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MATT BLUNT

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MISSOURI REGISTER



September 16, 2002

Vol. 27 No. 18 Pages 1553–1750

IN THIS ISSUE:

FROM THIS ANGLE 1557

EMERGENCY RULES

Department of Agriculture

Weights and Measures 1559

PROPOSED RULES

Department of Agriculture

Plant Industries 1561
Weights and Measures 1564

Department of Economic Development

State Board of Registration for the Healing Arts 1565
Public Service Commission 1576
Office of Tattooing, Body Piercing and Branding 1652

Department of Elementary and Secondary Education

Teacher Quality and Urban Education 1689
Vocational Rehabilitation 1703

Department of Natural Resources

Air Conservation Commission 1704

ORDERS OF RULEMAKING

Department of Economic Development

State Board of Registration for the Healing Arts 1717

Department of Elementary and Secondary Education

Division of School Improvement 1717
Teacher Quality and Urban Education 1717

Department of Mental Health

Director, Department of Mental Health 1718

Department of Natural Resources

Land Reclamation Commission 1719

Department of Revenue

Director of Revenue 1721

IN ADDITIONS

Department of Economic Development

Division of Credit Unions 1722

Department of Elementary and Secondary Education

Vocational and Adult Education 1722
Vocational Rehabilitation 1722

Schedule of Compensation

. 1724

BID OPENINGS

Office of Administration

Division of Purchasing 1726

RULE CHANGES SINCE UPDATE

EMERGENCY RULES IN EFFECT

REGISTER INDEX

| Register Filing Deadlines | Register Publication Date | Code Publication Date | Code Effective Date |
|---------------------------|---------------------------|-----------------------|---------------------|
| June 3, 2002 | July 1, 2002 | July 31, 2002 | August 30, 2002 |
| June 17, 2002 | July 15, 2002 | July 31, 2002 | August 30, 2002 |
| July 1, 2002 | August 1, 2002 | August 31, 2002 | September 30, 2002 |
| July 15, 2002 | August 15, 2002 | August 31, 2002 | September 30, 2002 |
| August 1, 2002 | September 3, 2002 | September 30, 2002 | October 30, 2002 |
| August 15, 2002 | September 16, 2002 | September 30, 2002 | October 30, 2002 |
| August 30, 2002 | October 1, 2002 | October 31, 2002 | November 30, 2002 |
| September 16, 2002 | October 15, 2002 | October 31, 2002 | November 30, 2002 |
| October 1, 2002 | November 1, 2002 | November 30, 2002 | December 30, 2002 |
| October 15, 2002 | November 15, 2002 | November 30, 2002 | December 30, 2002 |
| November 1, 2002 | December 2, 2002 | December 31, 2002 | January 30, 2003 |
| November 15, 2002 | December 16, 2002 | December 31, 2002 | January 30, 2003 |
| December 2, 2002 | January 2, 2003 | January 29, 2003 | February 28, 2003 |
| December 16, 2002 | January 16, 2003 | January 29, 2003 | February 28, 2003 |
| January 2, 2003 | February 3, 2003 | February 28, 2003 | March 30, 2003 |
| January 16, 2003 | February 18, 2003 | February 28, 2003 | March 30, 2003 |
| February 3, 2003 | March 3, 2003 | March 31, 2003 | April 30, 2003 |
| February 18, 2003 | March 17, 2003 | March 31, 2003 | April 30, 2003 |
| March 3, 2003 | April 1, 2003 | April 30, 2003 | May 30, 2003 |
| March 17, 2003 | April 15, 2003 | April 30, 2003 | May 30, 2003 |

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

| Title | Code of State Regulations | Division | Chapter | Rule |
|-----------------|---------------------------|-------------------------|------------------------------|--------------------------------|
| 1 Department | CSR | 10- Agency, Division | 1. General area regulated | 010 Specific area regulated |

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

FROM THIS ANGLE ...

Rule Tips – Do you have one you wish to share?

You may recall that on the back page of the *Missouri Register* we are listing our "top ten" list of rulemaking tips – these are being placed on upcoming editions of the *Register* to assist you, our rule makers! If you have a rule tip you might wish to share, e-mail us at www.rules@sosmail.state.mo.us and give us your tip!

Amendment “Stacked” on Amendment

We have been experiencing some confusion regarding amendments to rulemakings. Many agencies want to amend the same section of *Code* before the amendment currently in process is effective. Amendments made to rules need to begin with the text of the rule as printed in the *Code of State Regulations*. If you are amending a section in *Code*, and your amendment is still in the process, has not yet been printed in *Code*, and has not been allowed to sit the requisite 30 days required by the statutes to become effective, *that same section may not be amended* until the amendment in process becomes effective. Clearly, an amendment on a version of the rule that is not yet effective cannot be accepted for publication. Therefore, we will not accept "stacked" amendments.

Emergency Rulemakings Now Posted on Homepage of our Website

Our office has adopted a new procedure of posting all emergency rulemakings which are filed, and not yet published in the *Missouri Register*, on the homepage of our website at www.sos.state.mo.us. We believe this will provide more immediate access to emergency rulemakings, whether they are emergency rules or emergency amendments. Typically once an emergency rulemaking is published, it is already effective. We believe this will serve to better inform Missouri citizens of emergency rulemakings that are in the process.

Reorganizing?!

If your department or division is reorganizing, or if the name of your department or division is changing, please be sure to check your rules and make the requisite changes to your rulemakings as well!

Timelines – Need Help?

We have some rule makers who are having difficulty in calculating or counting their days for filing. If you need assistance with your timelines, or simply want us to double-check your counting, please call our office or come by and we will be happy to help. Additionally, you might want to utilize the calendars in the back of your rulemaking manual, *Rulemaking 1-2-3, Missouri Style*, located behind the amber-colored tab entitled “Calendars and Timelines”. These calendars will assist you with regular days and also the option of counting legislative days.

Please contact us if we may assist you in any way with the rulemaking process.



Lynne C. Angle
Director, Administrative Rules

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 20—Methods of Sale for Products

EMERGENCY AMENDMENT

2 CSR 90-20.040 NIST Handbook 130, “Uniform Regulation for the Method of Sale of Commodities.” The director is amending section (1).

PURPOSE: *The purpose of this emergency amendment is to eliminate the method of sale regulation related to gasoline-oxygenate blends for retail motor fuel dispensers until a permanent rule rescinding the requirement becomes effective.*

EMERGENCY STATEMENT: *During the 2002 legislative session House Bill 1348 and Senate Bills 984 and 985 were passed amending Chapter 414, RSMo and repealing the labeling requirements for fuels containing alcohol and other oxygenates. The current rules promulgated under Chapter 413, RSMo require labeling of oxygenates and are inconsistent with the Chapter 414, RSMo and legislative intent. This has created a confusing situation for marketers of those motor fuels containing oxygenates and can cost the marketers in acquiring additional pump labels. This emergency amendment will temporarily eliminate the dispenser labeling requirement until a permanent rule can rescind the current labeling requirement. The Department of Agriculture believes this emergency amendment is*

necessary and is fair and equitable to all affected persons and parties. Emergency amendment filed August 30, 2002, effective September 10, 2002, expires March 9, 2003.

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. This handbook can be accessed at the NIST website at www.nist.gov/own.*

(1) The rule for the Division of Weights and Measures for method of sale of commodities shall incorporate by reference the section of the *NIST Handbook 130, [2000] 2002* edition, entitled “Regulation for the Method of Sale of Commodities[.],” except for section 2.20 related to gasoline-oxygenate blends.

AUTHORITY: section 413.065, RSMo [Supp. 1999] 2000. Original rule filed May 9, 1984, effective Aug. 11, 1984. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Aug. 30, 2002, effective Sept. 10, 2002, expires March 9, 2003. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

EMERGENCY AMENDMENT

2 CSR 90-30.040 Quality Standards [F]or Motor Fuels. The director is amending section (2).

PURPOSE: *The purpose of this emergency amendment is to eliminate the current alcohol labeling requirement for retail motor fuel dispensers until a permanent rule rescinding the requirement becomes effective.*

EMERGENCY STATEMENT: *During the 2002 legislative session House Bill 1348 and Senate Bills 984 and 985 were passed amending Chapter 414, RSMo and repealing the labeling requirements for fuels containing alcohol. The current rule promulgated under Chapter 414, RSMo requires labeling and is inconsistent with the statute. This has created a confusing situation for marketers of those motor fuels containing alcohol and can cost the marketers in acquiring additional pump labels. This emergency amendment will eliminate the pump labeling requirement until a permanent rule on labeling is in place. The Department of Agriculture believes this emergency amendment is necessary and is fair and equitable to all affected persons and parties. Emergency amendment filed August 30, 2002, effective September 10, 2002, expires March 9, 2003.*

(2) Method of Sale of Gasoline-Alcohol Blends.

[A] Method of Retail Sale. Notwithstanding any rule to the contrary, all motor fuel kept, offered or exposed for sale, or sold at retail containing at least one percent (1%) by volume of any alcohol shall be identified as such using the word contains or other wording approved by the director, in conjunction therein, the maximum volume percentages to the nearest

whole percent and the name of each alcohol additive on the upper fifty percent (50%) of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least one-half inch (1/2") in height, one-sixteenth inch (1/16") stroke (width of type).

Examples:

*CONTAINS 10% ETHANOL
CONTAINS ALCOHOL
5% METHANOL
5% TERTIARY BUTANOL*

(B) Documentation for Dispenser Labeling Purposes.] At the time of delivery, [T]he retailer must be provided [at the time of delivery of the fuel on] an invoice, bill of lading, shipping paper or other documentation, by the supplier and/or carrier, the presence and maximum amount of ethanol, methanol or any type of alcohol (in terms of percent by volume) contained in the fuel. [This documentation is only for dispenser labeling purposes; i]t is the responsibility of any potential blender to determine the total oxygen content of the motor fuel before blending.

AUTHORITY: section 414.142, RSMo [Supp. 1993] 2000. This rule was previously filed as 2 CSR 90-30.030. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. Amended: Filed April 2, 1990, effective June 28, 1990. Emergency amendment filed Aug. 30, 2002, effective Sept. 10, 2002, expires March 9, 2003. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules**

PROPOSED RESCISSION

2 CSR 70-40.015 Standards For Treated Timber. This rule established standards to be used by anyone selling or offering for sale treated timber products in the state of Missouri.

PURPOSE: *This rule is being rescinded and readopted for clarification purposes.*

AUTHORITY: section 280.050, RSMo 1986. Original rule filed Oct. 10, 1980, effective Feb. 1, 1981. Amended: Filed Sept. 15, 1984, effective Jan. 2, 1985. Amended: Filed Dec. 16, 1985, effective March 13, 1986. Amended: Filed March 14, 1986, effective June

16, 1986. Amended: Filed March 18, 1987, effective April 1, 1988. Amended: Filed Jan. 12, 1990, effective April 16, 1990. Rescinded: Filed Aug. 6, 2002.

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, Plant Industries Division, Forest Resources Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules**

PROPOSED RULE

2 CSR 70-40.015 Standards For Treated Timber

PURPOSE: *This rule establishes standards to be used by anyone selling or offering for sale treated timber products in the state of Missouri.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) The preservatives and preservative solution used shall meet the American Wood Preservers' Association (AWPA) Standard P-Preservative, as published in the 2001 *AWPA Book of Standards*, as incorporated by reference in this rule.

(2) Standards for Treatment of Coniferous, Softwood Species. The requirements for retention and penetration of preservatives used shall not be less than the published 2001 *American Wood Preservers' Association Book of Standards*, as incorporated by reference in this rule, except that—

(A) For ponderosa pine, red pine and southern yellow pine, the minimum net retention level of copper naphthenate shall be .055 pounds per cubic foot, copper as metal, for round poles and posts used as structural members. This section shall expire when C16 standards are established by AWPA for these products.

(B) Softwoods not listed in the *AWPA Book of Standards* shall be labeled "Treated with a wood preservative but not recommended for structural purposes."

1. All products as defined by this rule shall be labeled with a tag in accordance to the following requirements:

A. Tags shall remain attached at each point of sale and may only be removed by the final purchaser;

B. Each tag shall be placed on the surface of each product so that it is readily visible to the purchaser;

- C. Each tag shall be legible;
- D. Tags shall bear the required information in print of not less than ten (10)-point type;
- E. Tags shall be constructed of water resistant material;
- F. Tags shall have minimum dimensions of one inch (1") in width and two inches (2") in length.

(3) Standards for Treatment of Deciduous, Hardwood Species. The requirement for retention and penetration of preservatives used shall not be less than the published 2001 American Wood Preservers Association Standards, as incorporated by reference in this rule, except that—

(A) For standard C2 the minimum net retention for oil-borne pentachlorophenol in the treatment of hardwoods, other than white oak, shall be 0.20 pounds of active ingredient per cubic foot or equal to (4.0) pounds of five percent (5%) solution. This standard shall become effective April 1, 1988. White oak shall be treated to refusal;

(B) For standard C2 the minimum net retention for waterborne copper chromated arsenate in the treatment of hardwoods other than white oak shall be 0.264 pounds of active ingredient. White oak shall be treated to refusal;

(C) For standard C2 the minimum net retention for oil-borne copper naphthenate in the treatment of hardwoods, other than white oak, shall be 0.033 pounds per cubic foot copper as metal. White oak shall be treated to refusal;

(D) Effective January 1, 2003, all hardwoods, five inches (5") and greater in thickness and treated according to subsections (3)(A)–(C) or up to the levels of AWPA standard C2, shall be labeled with a tag as follows:

1. Hardwoods listed in the AWPA manual shall be labeled with a tag stating the percentage of AWPA ground contact or above ground contact retention level guaranteed and a statement of treatment to refusal for white oak. For example, a mixed bundle of white and red oak timbers, five inches (5") in thickness and greater, treated with a five percent (5%) solution of pentachlorophenol to 0.20 pounds of active ingredient per cubic foot, for ground contact, shall be tagged "Treated to 66% of AWPA Ground Contact Standards. White Oak Treated to Refusal." Furthermore, the same mixed bundle of white and red oak timbers, treated under the same conditions to 0.25 pounds of active ingredient per cubic foot could also be tagged, "Treated to 100% of AWPA Above Ground Contact Standards. White Oak Treated to Refusal";

2. Hardwoods not listed in the AWPA manual shall be labeled "Treated with a wood preservative but not recommended for structural purposes"; and

3. All products as defined by this rule shall be labeled with a tag in accordance to the following requirements:

- A. Tags shall remain attached at each point of sale and may only be removed by the final purchaser;
- B. Each tag shall be placed on the surface of each product so that it is readily visible to the purchaser;
- C. Each tag shall be legible;
- D. Tags shall bear the required information in print of not less than ten (10)-point type;
- E. Tags shall be constructed of water-resistant material; and
- F. Tags shall have minimum dimensions of one inch (1") in width and two inches (2") in length;

(E) For Standard C-16 the minimum net retention for oil-borne pentachlorophenol in the treatment of hardwood posts and poles, sawn and unsawn, other than white oak shall not be less than 0.20 pounds of active ingredient per cubic foot or equal to four (4) pounds of five percent (5%) solution. White oak shall be treated to refusal;

(F) For Standard C-16 the minimum net retention for oil-borne copper naphthenate in the treatment of hardwood posts and poles, sawn and unsawn other than white oak shall not be less than 0.033 pounds per cubic foot copper as metal. White oak shall be treated to refusal;

(G) For Standard C-16 the minimum net retention for waterborne copper chromated arsenate in the treatment of hardwood posts and poles, sawn and unsawn other than white oak shall not be less than 0.264 pounds of active ingredient per cubic foot. White oak shall be treated to refusal.

(3) Other Treatment Standards. All other standards for treatment of timber or timber products with preservatives not covered by 2 CSR 70-40.015(2)(A)–(G) shall not be less than the published 2001 *American Wood Preservers Association Book of Standards*, as incorporated by reference in this rule.

AUTHORITY: section 280.050, RSMo 2000. Original rule filed Oct. 10, 1980, effective Feb. 1, 1981. Amended: Filed Sept. 15, 1984, effective Jan. 2, 1985. Amended: Filed Dec. 16, 1985, effective March 13, 1986. Amended: Filed March 14, 1986, effective June 16, 1986. Amended: Filed March 18, 1987, effective April 1, 1988. Amended: Filed Jan. 12, 1990, effective April 16, 1990. Rescinded and readopted: Filed Aug. 6, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Plant Industries Division, Forest Resources Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE

Division 70—Plant Industries

Chapter 40—Missouri Treated Timber Products Law Rules

PROPOSED RESCISSON

2 CSR 70-40.025 Standards For Inspection, Sampling and Analysis. This regulation established guidelines for standards of inspection, sampling and analysis of treated timber products.

PURPOSE: This rule is being rescinded and readopted for clarification purposes.

AUTHORITY: section 280.050, RSMo 1986. Original rule filed Oct. 10, 1980, effective Feb. 1, 1981. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Amended: Filed Dec. 16, 1985, effective March 13, 1986. Rescinded: Filed Aug. 6, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, Plant Industries Division, Forest Resources Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules

PROPOSED RULE

2 CSR 70-40.025 Standards For Inspection, Sampling and Analysis

PURPOSE: This regulation establishes guidelines for standards of inspection, sampling and analysis of treated timber products.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The standards for inspection procedures shall be in accordance with the American Wood Preservers Association (AWPA) Standard M2-Inspection of Treated Timber Products as published in the 2001 AWPA Book of Standards, as incorporated by reference in this rule.

(2) The standards for sampling and quality control procedures shall be in accordance with the published 2001 American Wood Preservers' Association, as incorporated by reference in this rule, except that—

(A) Any core samples taken during an inspection shall consist of one (1) lot. A lot for inspection at the treating plant will normally be a retort charge. A lot for inspection at plant storage yards or at sales yards where the final purchase has not been made, shall be that material available at the time and place of inspection which contains products from any one (1) treating plant and shall contain only one (1) species and one (1) preservative treatment. Lumber, plywood and posts shall not be mixed in one (1) inspection lot.

(B) The number of core samples taken during inspection of coniferous, softwood species shall be twenty (20) per lot. The samples shall be selected randomly from the lot being inspected;

(C) The number of core samples taken during inspection of deciduous, hardwood species shall be eight (8) per lot. The samples shall be randomly selected from the lot being inspected.

(D) Effective January 1, 2003 all treated timber producers will be required to maintain an eighty percent (80%) compliance rating. After ten (10) samples have been taken from separate lots, compliance rates will be calculated. If a producer has three (3) or more stop sales within these ten (10) samples, the producer will be contacted and informed that if an eighty percent (80%) compliance rating is not met after an additional ten (10) samples have been taken, the director or his representative will hold a hearing to determine if the producer's license should be suspended or revoked.

(3) The standards for methods of analysis for all type preservatives used shall be in accordance with the AWPA Standard A-Analysis Methods, as published in the 2001 AWPA Book of Standards, as incorporated by reference in this rule.

AUTHORITY: section 280.050, RSMo 2000. Original rule filed Oct. 10, 1980, effective Feb. 1, 1981. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Amended: Filed Dec. 16, 1985, effective March 13, 1986. Rescinded and readopted: Filed Aug. 6, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Plant Industries Division, Forest Resources Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules

PROPOSED RESCISSON

2 CSR 70-40.040 Branding of Treated Timber. This rule required each treated timber company to brand, for identification purposes, all treated timber products sold in Missouri.

PURPOSE: This rule is being rescinded and readopted for clarification purposes.

AUTHORITY: section 280.050, RSMo 1986. Original rule filed March 8, 1962, effective March 18, 1962. Amended: Filed Sept. 15, 1976, effective Dec. 11, 1976. Amended: Filed Oct. 10, 1980, effective Feb. 1, 1981. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Rescinded: Filed Aug. 6, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, Plant Industries Division, Forest Resources Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules

PROPOSED RULE

2 CSR 70-40.040 Branding of Treated Timber

PURPOSE: This rule requires each treated timber company to brand, for identification purposes, all treated timber products sold in Missouri.

(1) All treated timber, as defined in section 280.010, RSMo 2000, two inches (2") thick and over shall be branded clearly and with reasonable permanency by one (1) of the following methods before being sold or offered for sale in the state of Missouri:

(A) Hammerstamp Branding (Special note* Hammerstamp branding is an acceptable branding method for sawn and unsawn posts and poles only. Lumber should be branded using either water-proof labels or ink-stamps);

- (B) Water-proof labels;
- (C) Ink-stamp branding.

(2) All treated timber, as defined in section 280.010, RSMo 2000, less than two inches (2") in nominal thickness shall not have less than twenty percent (20%) of the pieces within a bundle branded before being sold or offered for sale in the state of Missouri.

(3) All brands shall be registered with the director of agriculture and shall not be identical to nor closely resemble any other company's brand or brands registered with the director of agriculture.

(4) The brand used under this regulation shall not be less than one-half inch (1/2") in diameter.

- (5) Labels or ink stamps must possess the following requirements:
- (A) Name and address of treater;
 - (B) Type of preservative used;
 - (C) Retention level.

AUTHORITY: section 280.050, RSMo 2000. Original rule filed March 8, 1962, effective March 18, 1962. Amended: Filed Sept. 15, 1976, effective Dec. 11, 1976. Amended: Filed Oct. 10, 1980, effective Feb. 1, 1981. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Rescinded and readopted: Filed Aug. 6, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Plant Industries Division, Forest Resources Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules

PROPOSED RULE

2 CSR 70-40.045 Tagging Requirements for Peeler Core Landscape Timbers

PURPOSE: This rule establishes guidelines for tagging peeler core landscape timbers to ensure public awareness of their inability to accept preservative adequately.

(1) All treated peeler core landscape timbers shall be labeled with a tag that has the following statement: "Treated with a wood preservative but not recommended for ground contact or structural purposes."

(2) All products as defined in this rule shall also be labeled in accordance with 2 CSR 70-40.040.

AUTHORITY: section 280.050, RSMo 2000. Original rule filed Aug. 6, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Plant Industries Division, Forest Resources Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 20—Methods of Sale for Products

PROPOSED AMENDMENT

2 CSR 90-20.040 NIST Handbook 130, "Uniform Regulation for the Method of Sale of Commodities." The director is amending section (1).

PURPOSE: The purpose of this amendment is to eliminate the alcohol labeling requirement for retail motor fuel dispensers and to incorporate by reference the 2002 Edition of *NIST Handbook 130* relating to method of sale of commodities.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. This handbook can be accessed at the *NIST* website at www.nist.gov/owm.

(1) The rule for the Division of Weights and Measures for method of sale of commodities shall incorporate by reference the section of the *NIST Handbook 130, [2000] 2002* edition, entitled "Regulation for the Method of Sale of Commodities[.]," except for section 2.20 related to gasoline-oxygenate blends.

AUTHORITY: section 413.065, RSMo [Supp. 1999] 2000. Original rule filed May 9, 1984, effective Aug. 11, 1984. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Aug. 30, 2002, effective Sept. 10, 2002, expires March 9, 2003. Amended: Filed Aug. 30, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Agriculture, Weights and Measures Division, Ron Hooker, Division Director, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection

PROPOSED AMENDMENT

2 CSR 90-30.040 Quality Standards [F]or Motor Fuels. The director is amending section (2).

PURPOSE: The purpose of this proposed amendment is to eliminate the alcohol labeling requirement for retail motor fuel dispensers.

(2) Method of Sale of Gasoline-Alcohol Blends.

[(A) Method of Retail Sale. Notwithstanding any rule to the contrary, all motor fuel kept, offered or exposed for sale, or sold at retail containing at least one percent (1%) by volume of any alcohol shall be identified as such using the word contains or other wording approved by the director, in conjunction therein, the maximum volume percentages to the nearest whole percent and the name of each alcohol additive on the upper fifty percent (50%) of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least one-half inch (1/2") in height, one-sixteenth inch (1/16") stroke (width of type).]

Examples:

CONTAINS 10% ETHANOL
CONTAINS ALCOHOL
5% METHANOL
5% TERTIARY BUTANOL

(B) Documentation for Dispenser Labeling Purposes.] At the time of delivery, [T]he retailer must be provided [at the time of delivery of the fuel on] an invoice, bill of lading, shipping paper or other documentation, by the supplier and/or carrier, the presence and maximum amount of ethanol, methanol or any type of alcohol (in terms of percent by volume) contained in the fuel. [This documentation is only for dispenser labeling purposes; i]t is the responsibility of any potential blender to determine the total oxygen content of the motor fuel before blending.

AUTHORITY: section 414.142, RSMo [Supp. 1993] 2000. This rule was previously filed as 2 CSR 90-30.030. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. Amended: Filed April 2, 1990, effective June 28, 1990. Emergency amendment filed Aug. 30, 2002, effective Sept. 10, 2002, expires March 9, 2003. Amended: Filed Aug. 30, 2002.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Agriculture, Ron Hooker, Director, Weights and Measures Division, PO Box 630, Jefferson City, MO 65102-0630. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection

PROPOSED AMENDMENT

2 CSR 90-30.050 Inspection of Premises. The director is amending section (28).

PURPOSE: This proposed amendment will more appropriately address those potential safety hazards associated with nonmetallic piping.

(28) All piping, including fiberglass and other non-metallic piping, constructed of low melting point materials shall be installed in conformance with manufacturers' instructions. All piping, including fiberglass and other non-metallic piping, constructed of low melting point materials [*cannot be installed in*] within dispensing devices or open pits beneath the dispensing device[, unless the piping is] shall be protected from fire exposure by a method [*having a two (2)-hour fire rating and*] that is approved by the director of the Department of Agriculture.

AUTHORITY: section 414.142, RSMo [Supp. 1998] 2000. This rule was previously filed as 2 CSR 90-30.010. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. Amended: Filed April 2, 1990, effective June 28, 1990. Amended: Filed April 8, 1999, effective Nov. 30, 1999. Amended: Filed Aug. 30, 2002.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Agriculture, Ron Hooker, Director, Weights and Measures Division, PO Box 630, Jefferson City, MO 65102-0630. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 3—Licensing of Physical Therapists

PROPOSED RULE

4 CSR 150-3.210 Advisory Commission for Physical Therapists

PURPOSE: This rule establishes the per-diem amount for members of the Advisory Commission for Physical Therapists pursuant to section 334.625, RSMo.

(1) Based on the authority granted by the legislature, there is hereby created an Advisory Commission for Physical Therapists to be composed of five (5) members to be appointed by the governor with the advice and consent of the senate.

(2) Each member of the commission shall receive as compensation the sum of fifty dollars (\$50) for each day that member devotes to the affairs of the board.

(3) No request for the compensation provided in this rule shall be processed for payment unless sufficient funds are available for that purpose within the appropriations for this board.

AUTHORITY: sections 334.125, RSMo 2000 and 334.625, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule is estimated to cost the State Board of Registration for the Healing Arts an increase of two thousand

dollars (\$2,000) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase each year at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 150 – State Board of Registration for the Healing Arts

Chapter: 3 – Licensing of Physical Therapists

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-3.210 Advisory Commission for Physical Therapists

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Annual Cost to Comply |
|---|---------------------------------|
| State Board of Registration for the Healing Arts | \$2,000 |

III. WORKSHEET

Compensation for each member per day - \$50.00

IV. ASSUMPTIONS

1. The Advisory Commission for Physical Therapists is currently composed of five (5) members.
2. The commission currently holds two (2) day board meetings four (4) times a year.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 150—State Board of Registration
for the Healing Arts****Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists****PROPOSED RULE****4 CSR 150-4.220 Advisory Commission for Speech-Language
Pathologists and Audiologists**

PURPOSE: This rule establishes the per-diem amount for members of the Advisory Commission for Speech-Language Pathologists and Audiologists pursuant to section 345.080, RSMO.

(1) Based on the authority granted by the legislature, there is hereby created an Advisory Commission for Speech-Language Pathologists and Audiologists to be composed of seven (7) members to be appointed by the Missouri State Board of Registration for the Healing Arts.

(2) Each member of the commission shall receive as compensation the sum of fifty dollars (\$50) for each day that member devotes to the affairs of the board.

(3) No request for the compensation provided in this rule shall be processed for payment unless sufficient funds are available for that purpose within the appropriations for this board.

AUTHORITY: sections 345.030, RSMo 2000 and 345.080, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule is estimated to cost the State Board of Registration for the Healing Arts an increase of two thousand eight hundred dollars (\$2,800) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase each year at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 150 – State Board of Registration for the Healing Arts

Chapter: 4 – Licensing of Speech-Language Pathologists and Audiologists

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-4.220 Advisory Commission for Speech-Language Pathologists and Audiologists

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Annual Cost to Comply |
|---|---------------------------------|
| State Board of Registration for the Healing Arts | \$2,800 |

III. WORKSHEET

Compensation for each member per day - \$50.00

IV. ASSUMPTIONS

1. The Advisory Commission for Speech-Language Pathologists and Audiologists is currently composed of seven (7) members.
2. The commission currently holds two (2) day board meetings four (4) times a year.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration
for the Healing Arts**
Chapter 6—Registration of Athletic Trainers

PROPOSED RULE

4 CSR 150-6.080 Missouri Athletic Trainer Advisory Committee

PURPOSE: This rule establishes the per-diem amount for members of the Missouri Athletic Trainer Advisory Committee pursuant to section 334.625, RSMo.

(1) Based on the authority granted by the legislature, there is hereby created a Missouri Athletic Trainer Advisory Committee to be composed of five (5) members to be appointed by the Missouri State Board of Registration for the Healing Arts.

(2) Each member of the committee shall receive as compensation the sum of fifty dollars (\$50) for each day that member devotes to the affairs of the board.

(3) No request for the compensation provided in this rule shall be processed for payment unless sufficient funds are available for that purpose within the appropriations for this board.

AUTHORITY: section 334.625, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule is estimated to cost the State Board of Registration for the Healing Arts an increase of two thousand dollars (\$2,000) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase each year at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 150 – State Board of Registration for the Healing Arts

Chapter: 6 – Registration of Athletic Trainers

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-6.080 Athletic Trainers

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Annual Cost to Comply |
|---|---------------------------------|
| State Board of Registration for the Healing Arts | \$2,000 |

III. WORKSHEET

Compensation for each member per day - \$50.00

IV. ASSUMPTIONS

1. The Missouri Athletic Trainer Advisory Committee is currently composed of five (5) members.
2. The commission currently holds two (2) day board meetings four (4) times a year.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration
for the Healing Arts**
Chapter 7—Licensing of Physician Assistants

PROPOSED RULE

4 CSR 150-7.320 Advisory Commission for Physician Assistants

PURPOSE: This rule establishes the per-diem amount for members of the Advisory Commission for Physician Assistants pursuant to section 334.749, RSMo.

(1) Based on the authority granted by the legislature, there is hereby created an Advisory Commission for Physician Assistants to be composed of five (5) members to be appointed by the governor with the advice and consent of the senate.

(2) Each member of the commission shall receive as compensation the sum of fifty dollars (\$50) for each day that member devotes to the affairs of the board.

(3) No request for the compensation provided in this rule shall be processed for payment unless sufficient funds are available for that purpose within the appropriations for this board.

AUTHORITY: section 334.125, RSMo 2000 and 334.749, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule is estimated to cost the State Board of Registration for the Healing Arts an increase of two thousand dollars (\$2,000) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase each year at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 150 – State Board of Registration for the Healing Arts

Chapter: 7 – Licensing of Physician Assistants

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-7.320 Advisory Commission for Physician Assistants

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Annual Cost to Comply |
|---|---------------------------------|
| State Board of Registration for the Healing Arts | \$2,000 |

III. WORKSHEET

Compensation for each member per day - \$50.00

IV. ASSUMPTIONS

1. The Advisory Commission for Physician Assistants is currently composed of five (5) members.
2. The commission currently holds two (2) day board meetings four (4) times a year.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration
for the Healing Arts**
Chapter 8—Licensing of Clinical Perfusionists

PROPOSED RULE

4 CSR 150-8.150 Advisory Commission for Clinical Perfusionists

PURPOSE: This rule establishes the per-diem amount for members of the Advisory Commission for Clinical Perfusionists pursuant to section 324.177, RSMo.

(1) Based on the authority granted by the legislature, there is hereby created an Advisory Commission for Clinical Perfusionists to be composed of seven (7) members to be appointed by the governor with the advice and consent of the senate.

(2) Each member of the commission shall receive as compensation the sum of fifty dollars (\$50) for each day that member devotes to the affairs of the board.

(3) No request for the compensation provided in this rule shall be processed for payment unless sufficient funds are available for that purpose within the appropriations for this board.

AUTHORITY: section 324.177, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule is estimated to cost the State Board of Registration for the Healing Arts an increase of two thousand eight hundred dollars (\$2,800) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase each year at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 150 – State Board of Registration for the Healing Arts

Chapter: 8 – Licensing of Clinical Perfusionists

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-8.150 Advisory Commission for Clinical Perfusionists

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Annual Cost to Comply |
|---|---------------------------------|
| State Board of Registration for the Healing Arts | \$2,800 |

III. WORKSHEET

Compensation for each member per day - \$50.00

IV. ASSUMPTIONS

1. The Advisory Commission for Clinical Perfusionists is currently composed of seven (7) members.
2. The commission currently holds two (2) day board meetings four (4) times a year.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

PROPOSED AMENDMENT

4 CSR 240-2.060 Applications. The commission is proposing to delete sections (3)–(13), (15) and (17) from the rule, to renumber the remaining sections of the rule accordingly, and to add one new section at the end of the rule.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the sections being deleted from this rule are being adopted in various rules of the commission's new Chapter 3.

(1) Competitive telecommunications companies are exempt from subsections (7)(A)–(E), (8)(A)–(E), and (11)(C)–(G) of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.

(2) In addition to the requirements of section (1), applications for a certificate of convenience and necessity by a gas, electric, water, sewer or heating company shall include the following information:

(A) If the application is for a service area—

*1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;
 2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;*

3. The legal description of the area to be certificated;

4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) If the application is for electrical transmission lines, gas transmission lines or electrical production facilities—

1. A description of the route of construction and a list of all electric and telephone lines of regulated and nonregulated utilities, railroad tracks or any underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;

2. The plans and specifications for the complete construction project and estimated cost of the construction project or a statement of the reasons the information is currently unavailable and a date when it will be furnished; and

3. Plans for financing;

(C) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(D) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the

document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(E) The facts showing that the granting of the application is required by the public convenience and necessity.

(5) In addition to the requirements of section (1), applications for a certificate of interexchange service authority to provide customer-owned coin telephone (COCT) service shall be filed on the form provided by the commission.

(A) Applications for COCT service shall include a description of the general area in which service is to be offered.

(B) Providers of COCT service shall be exempt from the provisions of sections 392.390(1) and (3), RSMo, but shall remain subject to the provisions of section 386.370, RSMo.

(6) In addition to the requirements of section (1), applications for a certificate of service authority to provide telecommunications services, whether interexchange, local exchange or basic local exchange, shall include:

(A) A request to be classified as a competitive telecommunications company, if applicable, and a description of the types of service the applicant intends to provide;

(B) If the application is for basic local exchange service authority, the applicant shall indicate the exchange(s) in which service is to be offered; and

(C) A proposed tariff with an effective date which is not fewer than forty-five (45) days after the tariff's issue date.

(7) In addition to the requirements of section (1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) For gas, electrical, telecommunications, water and sewer companies, a statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(8) In addition to the requirements of section (1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) For gas, electrical, water, sewer and telecommunications companies, a statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(9) If the purchaser under either section (7) or (8) is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(10) In addition to the requirements of section (1), applications for gas storage companies for authority to acquire property through eminent domain proceedings shall include:

(A) The legal description of the areas to be acquired;

(B) A map showing the areas to be acquired;

(C) Names and addresses of all persons who may have any legal or equitable title of record in the property to be acquired; and

(D) The reasons it is necessary to acquire the property and why it is in the public interest.

(11) In addition to the requirements of section (1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 392.310 or 393.200, RSMo.

(12) In addition to the requirements of section (1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(13) In addition to the requirements of section (1), applications for commission approval of territorial agreements shall include:

(A) A copy of the territorial agreement and a specific designation of the boundary, including legal description;

(B) An illustrative tariff which reflects any changes in a regulated utility's operations or certification;

(C) An explanation as to why the territorial agreement is in the public interest;

(D) A list of all persons whose utility service would be changed by the agreement; and

(E) A check for fees required by these rules.]

[(14)] (3) In addition to the requirements of section (1), applications for variances or waivers from commission rules and tariff provisions, as well as those statutory provisions which may be waived, shall contain information as follows:

(A) Specific indication of the statute, rule or tariff from which the variance or waiver is sought;

(B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and

(C) The name of any public utility affected by the variance or waiver.

[(15) In addition to the requirements of section (1), applications for commission authority for a change of electrical suppliers shall include:

(A) A description of the type of structure where the change of supplier is sought, and the street address, if any, of the structure;

(B) The name and address of the electrical supplier currently providing service to the structure;

(C) The name and address of the electrical supplier to which the applicant wishes to change;

(D) The applicant's reasons for seeking a change of supplier;

(E) If the applicant's reasons involve service problems, a description of the problems and dates of occurrence, if known;

(F) If the applicant's reasons involve service problems, a description of the contacts which applicant has had with the current supplier regarding the problems, if any, and what efforts the current supplier has made to solve the problems, if any;

(G) The reasons a change of electrical suppliers is in the public interest;

(H) If the current electrical supplier and the requested electrical supplier agree to the requested change, a verified statement for each supplier with the application, indicating agreement; and

(I) If the applicant is an electrical supplier, a list of the names and addresses of all customers whose electrical supplier is proposed to be changed.]

[(16)] (4) A name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of name shall include:

(A) A statement, clearly setting out both the old name and the new name;

(B) Evidence of registration of the name change with the Missouri secretary of state; and

(C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date

which is not fewer than thirty (30) days after the filing date of the application.

(17) In addition to the requirements of section (1), applications for a certificate of service authority to provide shared tenant services (STS) shall be filed on the form provided by the commission.

(A) STS applications shall include:

- 1. A description of all telecommunications services to be offered at the certificated location;*
- 2. A description of any non-telecommunications services to be offered at the certificated location;*
- 3. A copy of the contract or contracts to be used with tenants at the certificated location;*
- 4. A copy of the contract or contracts to be signed with the local exchange company (LEC);*
- 5. A description of the type of STS technology to be used at the certificated location;*
- 6. A description of the form of interconnection to be used to provide toll services to tenants at the certificated location;*
- 7. A copy of the notice used to inform tenants that local exchange access line service may not be immediately available if STS is terminated at the certificated location;*
- 8. A statement of the rates to be charged tenants at the certificated location; and*
- 9. A statement of the total number of tenants and corresponding stations to be served at the certificated location.*

(B) Applicant shall submit annual reports filed on the form provided by the commission. Each such report shall include a list of all premises at which applicant provides STS, and a list of all STS-related complaints received from tenants, including a summary of the nature of each such complaint, and a list of case numbers for any formal complaints filed with the commission.]

(5) In addition to the general requirements set forth above, the requirements found in Chapter 3 of the commission's rules pertaining to the filing of various types of applications must also be met.

AUTHORITY: sections 386.250 and 386.410, RSMo [Supp. 1998] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

tions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 2—Practice and Procedure

PROPOSED RESCISSON

4 CSR 240-2.200 Small Company Rate Increase Procedure. This rule provided procedures for small water, sewer and gas utilities to obtain rate increases without the necessity of filing a formal rate increase request.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 386.410, RSMo Supp. 1998. Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.010 General Definitions

PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.015 through 4 CSR 240-3.030, and also includes the definitions of general terms used within this chapter of the commission's rules. Definitions of additional terms used in certain utility-specific rules are found in 4 CSR 240-3.100, 4 CSR 240-3.200, 4 CSR 240-3.300, and 4 CSR 240-3.500. All definitions found in this chapter supplement those definitions found in Chapters 386, 392 and 393 of the Missouri Revised Statutes.

- (1) Applicant means any person or public utility, as defined herein, on whose behalf an application is made.
- (2) Bill means a written or electronic demand for payment for service or equipment and the taxes, assessments, and franchise fees related thereto.
- (3) Commission means the Missouri Public Service Commission as created by Chapter 386 of the *Missouri Revised Statutes*.
- (4) Commission staff means all personnel employed by the commission whether on a permanent or contractual basis who are not attorneys in the general counsel's office, who are not members of the commission's research department, or who are not law judges.
- (5) Complaint means an informal or formal complaint under 4 CSR 240-2.070.
- (6) Corporation includes a corporation, company, association, or joint stock company or association, or any other entity created by statute which is allowed to conduct business in the state of Missouri.
- (7) Customer means any person, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., that accepts financial and other responsibilities in exchange for services provided by one (1) or more public utilities.
- (8) Delinquent charge means a charge remaining unpaid by a monthly billed customer at least twenty-one (21) days and for at least sixteen (16) days by a quarterly billed customer from the rendition of the bill by the utility or a charge remaining unpaid after the preferred payment date selected by the customer.
- (9) Deposit means a money advance to a utility for the purpose of securing payment of delinquent charges which might accrue to the customer who made the advance.
- (10) Electric utility means an electrical corporation as defined in section 386.020(15), RSMo.
- (11) Financing means acquisition of equity or debt interests, loans, guarantees of loans, advances, sale and repurchase agreements, sale and leaseback agreements, sales on open account, conditional or installment sales contracts or other investments or extensions of credit.
- (12) Gas utility means a gas corporation as defined in section 386.020(18), RSMo.
- (13) Guarantee means a written promise from a third party to assume liability up to a specified amount for delinquent charges which might accrue to a particular customer.
- (14) Municipality means a city, village or town.
- (15) Person means any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association or joint stock association, and includes any trustee, receiver, assignee or personal representative of them.
- (16) Pleading means any application, complaint, petition, answer, motion, staff recommendation, or other similar written document, which is not a tariff or correspondence, and which is filed in a case. A brief is not a pleading under this definition.
- (17) Political subdivision means any township, city, town, village, and any school, road, drainage, sewer and levee district, or any other public subdivision, public corporation or public quasi-corporation having the power to tax.
- (18) Premises means a tract of land or real estate, including buildings and other appurtenances thereon, to which utility service is provided to a customer.
- (19) Public counsel means the Office of the Public Counsel as created by the Omnibus State Reorganization Act of 1974, and includes the assistants who represent the public before the commission.
- (20) Public utility means public utility as defined in section 386.020(42), RSMo.
- (21) Regulated electrical corporation means every electrical corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapter 393, RSMo.
- (22) Regulated gas corporation means every gas corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapter 393, RSMo.
- (23) Regulated heating company means every heating company as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapter 393, RSMo.
- (24) Rule means all of these rules as a whole or the individual rule in which the word appears, whichever interpretation is consistent with the rational application of this chapter.
- (25) Service means service as defined in section 386.020(47), RSMo.
- (26) Sewer utility means a sewer corporation as defined in section 386.020(48), RSMo.
- (27) Steam heating utility means a heating company as defined in section 386.020(20), RSMo.
- (28) Tariff means a document published by a public utility, and approved by the commission, that sets forth the services offered by that utility and the rates, terms and conditions for the use of those services.
- (29) Telecommunications company means a telecommunications company as defined in section 386.020(51), RSMo.
- (30) Utility company means an electric utility, a gas utility, a sewer utility, a steam heating utility, a telecommunications company or a water utility, either individually or collectively, as those terms are defined herein.
- (31) Variance means an exemption granted by the commission from any applicable standard required pursuant to this chapter.
- (32) Water utility means a water corporation as defined in section 386.020(58), RSMo.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.015 Filing Requirements for Utility Company Applications for Waivers or Variances

PURPOSE: This rule provides a reference to the commission's practice and procedure rule regarding this subject.

(1) The requirements for filing applications for waivers or variances from commission rules and tariff provisions, as well as those statutory provisions that may be waived, are contained in Chapter 2 of the commission's rules in rule 4 CSR 240-2.060.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.020 Filing Requirements Regarding Utility Company Name Changes

PURPOSE: This rule provides a reference to the commission's practice and procedure rule regarding this subject.

(1) The requirements for filings regarding utility company name changes are contained in Chapter 2 of the commission's rules in rule 4 CSR 240-2.060.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.025 Utility Company Tariff Filings Which Create Cases

PURPOSE: This rule provides a reference to the commission's practice and procedure rule regarding this subject.

(1) The commission's rule regarding tariff filings which create cases, which includes various filing requirements, is contained in Chapter 2 of the commission's rules in rule 4 CSR 240-2.065.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.030 Minimum Filing Requirements for Utility Company General Rate Increase Requests

PURPOSE: This rule prescribes the information which must be filed by all electric utilities, all large local exchange telecommunications companies, all large gas, water and sewer utilities, and all steam heating utilities when filing for a general company-wide increase in rates. Additional requirements regarding this subject matter are also found in 4 CSR 240-3.160 for electric utilities and 4 CSR 240-3.235 for gas utilities.

(1) This rule applies to all electric utilities; to all local exchange telecommunications companies with more than five thousand (5,000) access lines; to all gas utilities with more than one thousand five hundred (1,500) customers; to all water utilities with more than five thousand (5,000) customers; to all sewer utilities with more than five thousand (5,000) customers; and to all steam heating utilities, under the jurisdiction of the commission.

(2) A general rate increase request is one where the company or utility files for an overall increase in revenues through a company-wide increase in rates for the utility service it provides, but shall not

include requests for changes in rates made pursuant to an adjustment clause or other similar provisions contained in a utility's tariffs.

(A) With regard to any telecommunications company subject to this rule, any increase in revenues as a result of an increase in rates within a previously approved rate band for a transitionally competitive or competitive service pursuant to sections 392.500 and 392.510, RSMo will not be considered a general rate increase and thereby not be subject to these minimum filing requirements.

(3) At the time a tariff(s) is filed by any company or utility subject to this rule which contains a general rate increase request, an original and fourteen (14) copies of the following information shall be filed with the secretary of the commission and two (2) copies shall be provided to the Office of the Public Counsel:

(A) A letter transmitting the proposed tariff changes to the secretary of the commission of the Missouri Public Service Commission;

(B) General information concerning the filing which will be of interest to the public and suitable for publication, including:

1. The amount of dollars of the aggregate annual increase and the percentage of increase over current revenues which the tariff(s) proposes;

2. Names of the counties and communities affected;

3. The number of the customers to be affected in each general category of service and in all rate classifications within each general category of service;

4. The average change requested in dollars and percentage change from current rates for each general category of service and for all rate classifications within each general category of service;

5. The proposed annual aggregate change by general categories of service and by rate classification within each general category of service including dollar amounts and percentage of change in revenues from current rates;

6. Copies of any press releases relative to the filing issued by the company or utility prior to or at the time of the filing; and

7. A summary of the reasons for the proposed changes or a summary explanation of the reasons the additional rate is needed.

(4) For good cause shown, the commission may grant a waiver of any of the provisions of this rule.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should

contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.100 Definitions Pertaining Specifically to Electric Utility Rules

PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.105 through 4 CSR 240-3.190, which are in addition to the definitions set forth in rule 4 CSR 240-3.010 of this chapter.

(1) Affiliate means any person who, directly or indirectly, controls or is controlled by or is under common control with an electric utility.

(2) Affiliated entity means any person, including an individual, corporation, service company, corporate subsidiary, firm, partnership, incorporated or unincorporated association, political subdivision including a public utility district, city, town, county, or a combination of political subdivisions, which directly or indirectly, through one (1) or more intermediaries, controls, is controlled by, or is under common control with the regulated electrical corporation.

(3) Affiliate transaction means any transaction for the provision, purchase or sale of any information, asset, product or service, or portion of any product or service, between a regulated electrical corporation and an affiliated entity, and shall include all transactions carried out between any unregulated business operation of a regulated electrical corporation and the regulated business operations of an electrical corporation. An affiliate transaction for the purposes of this rule excludes heating, ventilating and air conditioning (HVAC) services as defined in section 386.754, RSMo by the General Assembly of Missouri.

(4) Appliance or equipment means any device which consumes electric energy and any ancillary device required for its operation.

(5) Avoided costs means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, that utility would generate itself or purchase from another source.

(6) Consideration shall be interpreted in its broadest sense and shall include any cash, donation, gift, allowance, rebate, discount, bonus, merchandise (new or used), property (real or personal), labor, service, conveyance, commitment, right or other thing of value.

(7) Control (including the terms “controlling,” “controlled by,” and “common control”) means the possession, directly or indirectly, of the power to direct, or to cause the direction of the management or policies of an entity, whether such power is exercised through one (1) or more intermediary entities, or alone, or in conjunction with, or pursuant to an agreement with, one (1) or more other entities, whether such power is exercised through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, affiliated entities, contract or any other direct or indirect means. The commission shall presume that the beneficial ownership of ten percent (10%) or more of voting securities or partnership interest of an entity constitutes control for

purposes of this rule. This provision, however, shall not be construed to prohibit a regulated electrical corporation from rebutting the presumption that its ownership interest in an entity confers control.

(8) Cost-effective means that the present value of life-cycle benefits is greater than the present value of life-cycle costs to the provider of an energy service.

(9) Decommissioning means those activities undertaken in connection with a nuclear generating unit’s retirement from service to ensure that the final removal, disposal, entombment or other disposition of the unit and of any radioactive components and materials associated with the unit, are accomplished in compliance with all applicable laws, and to ensure that the final disposition does not pose any undue threat to the public health and safety. Decommissioning includes the removal and disposal of the structures, systems and components of a nuclear generating unit at the time of decommissioning.

(10) Decommissioning costs means all reasonable costs and expenses incurred in connection with decommissioning, including all expenses to be incurred in connection with the preparation for decommissioning, including, but not limited to, engineering and other planning expenses; and to be incurred after the actual decommissioning occurs, including, but not limited to, physical security and radiation monitoring expenses, less proceeds of insurance, salvage or resale of machinery, construction equipment or apparatus the cost of which was charged as a decommissioning expense.

(11) Demand-side resource means any inefficient energy-related choice that can be influenced cost-effectively by a utility. The meaning of this term shall not be construed to include load-building program.

(12) Energy service means the need that is served or the benefit that is derived by the ultimate consumer’s use of energy.

(13) Inefficient energy-related choice means any decision that causes the life-cycle cost of providing an energy service to be higher than it would be for an available alternative choice.

(14) Load-building program means an organized promotional effort by a utility to persuade energy-related decision makers to choose the form of energy supplied by that utility instead of other forms of energy for the provision of energy service or to persuade customers to increase their use of that utility’s form of energy, either by substituting it for other forms of energy or by increasing the level or variety of energy services used. This term is not intended to include the provision of technical or engineering assistance, information about filed rates and tariffs or other forms of routine customer service.

(15) Promotional practices means any consideration offered or granted by an electric utility or its affiliate to any person for the purpose, express or implied, of inducing the person to select and use the service or use additional service of the utility or to select or install any appliance or equipment designed to use the utility service, or for the purpose of influencing the person’s choice or specification of the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures. The term promotional practices shall not include the following activities:

(A) Making any emergency repairs to appliances or equipment of customers;

(B) Providing appliances or equipment incidental to demonstrations of sixty (60) days or less in duration;

(C) Providing light bulbs, street or outdoor lighting service, wiring, service pipe or other service equipment or appliances, in accordance with tariffs filed with and approved by the commission;

(D) Providing appliances or equipment to an educational institution for the purpose of instructing students in the use of the appliances or equipment;

(E) Merchandising appliances or equipment at retail and, in connection therewith, the holding of inventories, making and fulfillment of reasonable warranties against defects in material and workmanship existing at the time of delivery and financing; provided that the merchandising shall not violate any prohibition contained in 4 CSR 240-14.020;

(F) Inspecting and adjusting of appliances or equipment by an electric utility;

(G) Repairing and other maintenance to appliances or equipment by an electric utility if charges are at cost or above;

(H) Providing free or below-cost energy audits or other information or analysis regarding the feasibility and cost-effectiveness of improvements in the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures;

(I) Offering to present or prospective customers by an electric utility technical or engineering assistance; and

(J) Advertising or publicity by an electric utility which is under its name and on its behalf and which does not in any manner, directly or indirectly, identify, describe, refer to, mention or relate to any architect, builder, engineer, subdivider, developer or other similar person, or which mentions no less than three (3) existing projects, developments or subdivisions.

(16) Purchase means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(17) Qualifying facility means a cogeneration facility or a small power production facility which is a qualifying facility under Subpart B of Part 292 of the Federal Energy Regulatory Commission's (FERC) regulations.

(18) Sale means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.105 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity

PURPOSE: Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements of this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications by an electric utility for a certificate of convenience and necessity shall include:

(A) If the application is for a service area—

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;

2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;

3. The legal description of the area to be certificated;

4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) If the application is for electrical transmission lines, gas transmission lines or electrical production facilities—

1. A description of the route of construction and a list of all electric and telephone lines of regulated and nonregulated utilities, railroad tracks or any underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;

2. The plans and specifications for the complete construction project and estimated cost of the construction project or a statement of the reasons the information is currently unavailable and a date when it will be furnished; and

3. Plans for financing;

(C) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(D) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(E) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.110 Filing Requirements for Electric Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets

PURPOSE: Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

- (A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;
- (B) A copy of the contract or agreement of sale;
- (C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;
- (D) The reasons the proposed sale of the assets is not detrimental to the public interest;
- (E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and
- (F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.115 Filing Requirements for Electric Utility Applications for Authority to Merge or Consolidate

PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

- (A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;
- (B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;
- (C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;
- (D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.120 Filing Requirements for Electric Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness

PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.125 Filing Requirements for Electric Utility Applications for Authority to Acquire the Stock of a Public Utility

PURPOSE: Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.130 Filing Requirements for Applications for Approval of Electric Service Territorial Agreements

PURPOSE: This rule establishes requirements that applications to the commission for approval of territorial agreements between electric service providers must meet. As noted in the rule, additional

requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1) and 4 CSR 240-3.135.

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission approval of territorial agreements between electric service providers shall include:

(A) A copy of the territorial agreement and a specific designation of the boundary, including legal description;

(B) An illustrative tariff which reflects any changes in a regulated utility's operations or certification;

(C) An explanation as to why the territorial agreement is in the public interest;

(D) A list of all persons whose utility service would be changed by the agreement; and

(E) A check for the initial filing fee set forth in 4 CSR 240-3.135.

(2) If any of the items required by subsections (1)(A)-(D) of this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: sections 386.250, 386.800 and 394.312, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.135 Schedule of Fees Applicable to Applications for Approval of Electric Service Territorial Agreements, Petitions for Designation of Electric Service Areas and Applications for Resolution of Annexation-Related Disputes

PURPOSE: This rule establishes a schedule of fees for commission review of proposed territorial agreements, petitions for commission

designation of electric service areas, and annexation-related applications.

(1) Commission review of an application for a proposed territorial agreement, a petition for commission designation of electric service areas, or an application for resolution of an annexation-related dispute, shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).

(2) In addition to the filing fee, the fee for commission review of an opposed application for approval of a proposed territorial agreement between electric service providers is set at six hundred eighty-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.

(3) The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the electric territorial agreement, designation of service areas or annexation-related application. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.

(4) An application for commission review of proposed amendment(s) to an existing territorial agreement between electric service providers shall not be subject to the fee of five hundred dollars (\$500) specified in section (1) of this rule. However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (2) of this rule.

(5) On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.

AUTHORITY: sections 386.250, 386.800 and 394.312, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should

contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.140 Filing Requirements for Applications for Authority for a Change of Electrical Suppliers

PURPOSE: Applications to the commission for the approval of a change of electrical suppliers must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for the approval of a change in electrical suppliers shall include:

(A) A description of the type of structure where the change of supplier is sought, and the street address, if any, of the structure;

(B) The name and address of the electrical supplier currently providing service to the structure;

(C) The name and address of the electrical supplier to which the applicant wishes to change;

(D) The applicant's reasons for seeking a change of supplier;

(E) If the applicant's reasons involve service problems, a description of the problems and dates of occurrence, if known;

(F) If the applicant's reasons involve service problems, a description of the contacts which applicant has had with the current supplier regarding the problems, if any, and what efforts the current supplier has made to solve the problems, if any;

(G) The reasons a change of electrical suppliers is in the public interest;

(H) If the current electrical supplier and the requested electrical supplier agree to the requested change, a verified statement for each supplier with the application, indicating agreement; and

(I) If the applicant is an electrical supplier, a list of the names and addresses of all customers whose electrical supplier is proposed to be changed.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A

public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.145 Filing Requirements for Electric Utility Rate Schedules

PURPOSE: This rule prescribes the form and procedures for filing and publishing schedules of rates of all electric utilities under the jurisdiction of the Public Service Commission.

(1) Every electrical corporation, as defined in section 386.020, RSMo, engaged in the manufacture, generating, furnishing or transmission of electricity for light, heat or power within Missouri is directed to have on file with this commission not later than October 15, 1913, a schedule of all rates, rentals and charges of whatever nature made by the electrical corporation for each kind of service it renders which were in force on April 15, 1913, together with proper supplements covering all changes in rate schedules authorized by this commission, if any, since April 15, 1913.

(2) Every electrical corporation is directed on and after October 15, 1913, to publish all of its schedules of rates with this commission as follows:

(A) To keep all of its schedules of rates established and filed with this commission and in its main or principal operating office and in each division office which is now or may be established;

(B) To keep at each of its branch business offices where contracts for service are made or payment for customer's service is received, copies of all of its established schedules of rates which apply within the area served; and

(C) That all schedules of rates at all times during business hours shall be readily accessible to the public and shall be immediately produced for inspection upon the demand of any person. The production for inspection of schedules of rates shall be accompanied by such assistance on the part of the proper representative of the electrical corporation having a schedule to determine accurately the rate or charge applicable to any particular kind of electrical service.

(3) All schedules of rates, rentals and charges, or rules relating and applying to service rendered in connection with the supplying of electrical energy for light, heat and power or for any service rendered in connection with electrical energy supply, lawfully on file with the commission and in force on April 15, 1913, will be considered as continuing in force and may be amended in the manner provided in this rule.

(4) All schedules of rates on file with this commission and in effect April 15, 1913, not in accordance with this rule shall be reprinted in the manner prescribed by this rule and filed on or before October 15, 1913. All new schedules of rates issued after April 15, 1913, must conform to this rule or they will be subject to rejection by the com-

mission when tendered for filing. The commission reserves the right to direct the reprinting of any schedule at any time.

(5) In classifying rates for electrical service the following uniform system of classification will be followed as closely as practical:

(A) All lighting rates for residences, business places, theaters, public buildings, and the like will be placed under the head of commercial lighting;

(B) All power rates, including rates for battery charging, will be placed under the head of commercial power; and

(C) All rates for street lighting, including municipal street lighting and the free lighting of public buildings as is done in connection with street lighting will be placed under the head of street lighting.

(6) All schedules of rates should be on a good serviceable quality of paper and, if in the discretion of the commission, the volume of schedule justifies it, a schedule shall not be accepted for filing until printed.

(7) All schedules of rates filed with the commission shall bear a number with the following prefix: PSC Mo. Rate schedules shall be numbered in consecutive serial order commencing with a No. 1 for each electrical corporation (for example, the first schedule PSC Mo., No. 1). The prefixes and numbers shall be printed on schedules as required by section (9) of this rule. For convenience the prefix is referred to as PSC.

(8) All schedules of rates shall be in book, sheet or pamphlet form of size eight and one-half inches by eleven inches (8 1/2" × 11"). A loose-leaf plan may be used so that changes may be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets except the title page must show in the marginal space at the top of page or sheet, the name of the electrical corporation issuing the PSC No., the number of the schedule and the number of the page or sheet. At the bottom of the sheet in the marginal space must be shown, the date of issue and effective date and the name, title and address of the officer by whom the schedule is issued.

(9) The title page or sheet, if loose leaf, of every schedule of rates shall show—

(A) The full corporate name of the issuing electrical corporation;

(B) The PSC number of the schedule in bold type in the center of the marginal space at top of the page and immediately under it in small type the PSC number(s) canceled;

(C) A brief description of the service areas from and to or within which the schedule applies;

(D) When a schedule rate is governed by a general publication, the reference to the general publication by its PSC number must be given. The following phraseology, as the case may be, will be used: "Governed except as otherwise provided herein by schedule PSC Mo. No., which schedule, revised and added pages or sheets or superseding issues thereof is hereby made a part of this schedule." The rate publication referred to must be on file with the commission and be kept at every place where the schedule making reference is to be kept for public inspection;

(E) The date of issue and the date effective. If the schedule or any portion is made to expire on a specified date, the following clause must be used: "expires, unless sooner changed, canceled or extended";

(F) On every schedule, supplement or revised or added sheet issued on less than thirty (30)-days' notice, by permission of the commission, the following notation must be shown: "Issued on _____ days' notice to the public and the commission under special permission of the Public Service Commission of Missouri, No. _____ of date _____. If issued in compliance with an order of the commission, the following notation must be shown: "Issued on _____ days' notice to the public and the commission under order of the Public Service Commission of Missouri, of date _____, in Case No. _____," when

issued by authority of any section of this rule, the notice must be that required by the particular section granting permission;

(G) On the upper left-hand corner of a schedule of fewer than three (3) pages and on schedules issued in loose-leaf form, the words, "No supplement to this tariff will be issued except for the purpose of canceling this tariff." A schedule, not in loose-leaf form, of three (3) or more pages shall include the words, "Only one supplement to this schedule will be in effect at any one time"; and

(H) On the marginal space at the bottom of page will be given the name, title and address of the officer by whom the schedule is issued, the date of issue and the effective date.

(10) The schedule shall contain in the order named:

(A) Table of Contents. Provide full and complete statement in alphabetical order of the exact location where information under the general headings or subjects will be found, specifying the page of item numbers. If the schedule contains so small a volume of matter that its title page or interior arrangement plainly may disclose its contents, the table of contents may be omitted;

(B) Description of Territory. A more lengthy description of the territory to be served than can be briefly set forth on the title page will often be necessary; any items in this category which bear any relation to the various rates should be explained under this heading;

(C) Classification of Service. Under this heading the kind of service separately grouped for commercial lighting, commercial power and street lighting will be set forth in the order named together with a detailed statement of the rate(s) in connection with same. A definite separation must be made between prompt payment discount and quantity discount and stating the manner in which they are computed clearly. If guarantees of any nature are required or a minimum charge made, the principles upon which they are based must be stated. In this case give the company's charges or deposits for meters. If penalties for delayed payments are exacted, the same must be stated. State whether current is estimated or metered and if so, how. State the company's practice in regard to lamp renewals. If a charge is made to the consumer for installing and connecting the service wires, this should be stated. State the character of the service, whether twenty-four (24)-hour or limited until midnight, whether the service is limited to certain hours of the day, on-peak, off-peak, optional service, auxiliary service, breakdown service, and the like. The kind of current, such as alternating or direct, together with the voltage, phase and frequency must be given in all cases;

(D) Rules. Under this heading will be set forth all rules which apply to contracts for furnishing electrical energy for light, heat and power, and all of the company's rules in any way relating to service, together with any particular regulations relating to a special contract for service rendered which have not already been stated in connection with the description of rates under section (5) of this rule; and

(E) Definition and Explanation of Reference Marks. Under this heading, as its name implies, shall be given the necessary description of any reference marks employed in connection with the rate tables, that is, explain the meaning of watt, kilowatt hour, horsepower, and the like. If symbols or abbreviations are used, explain their meanings, such as kilowatt hour for K.W.H.; ampere for amp. When ratings are used based on capacity installation or a percentage of capacity installation, a table of equivalents for estimating these ratings must be given. For example, one (1) sixteen (16)-candle power carbon filament lamp equals about fifty-five (55) watts. If terms maximum demand, load factor, rated capacity, peak, and the like, are used in the schedule, these should be explained under this caption. All definitions of terms and explanation of terms or symbols, abbreviations or reference marks should be arranged in logical sequence and in a manner that they will be readily understood.

(11) If a schedule or supplement to a schedule is issued which conflicts with a part of another schedule or supplement of a schedule which is in force at the time and which is not canceled in full, it specifically shall state the portion of the other schedule which is can-

celed and the other schedule, at the same time, shall be correspondingly amended, effective on the same date, in the regular way; and the supplement to the amended schedule shall be filed at the same time and in connection with the schedule which contains the new rates, rentals or charges.

(12) If a schedule is canceled with the purpose of canceling entirely the rates, rentals or charges named in the schedule or when through error or omission, a later issue failed to cancel the previous issue and a schedule is canceled for the purpose of perfecting the record, the cancellation notice must not be given a new PSC number, but must be issued as a supplement to the schedule which it cancels, even though the schedule at the time may have a supplement in effect.

(13) If a schedule or a part of a schedule is canceled, the cancellation notice shall make specific notice to the PSC number of the schedule in which the rates, rentals or charges will be found; or if no rates, rentals or charges are in effect, it shall state so. Cancellation of a schedule also cancels a supplement to the schedule in effect, if any. If a schedule is canceled by a similar schedule to take its place, the cancellation notice must not be given by supplement, but by notice printed in a new schedule.

(14) A change in a schedule shall be known as an amendment and excepting amendments to schedules issued in loose-leaf form, shall be printed in a supplement to the schedule which it amends, specifying the schedule by its PSC number. The supplement shall be reissued each time an amendment is made and shall always contain all the amendments to the schedule that are in force. Supplements to schedules shall be numbered consecutively as supplements to the schedules and shall not be given new or separate PSC numbers. An amendment must always be printed in the supplement in its entirety as amended.

(15) A schedule which contains reissued items brought forward from a previous issue which has not been in effect thirty (30) days or a supplement which brings forward reissued items without change from a former supplement or schedule, must bear the notation "Effective _____, except as noted in individual items."

"Example: Issued _____, 20____; effective _____, 20____, except as noted in individual items."

Reissued items brought forward without change must show in a conspicuous form and convenient manner the following: "Reissue" in black face type; the effective or the date upon which it becomes effective; in PSC Mo. No. _____ "or in supplement No. _____ to PSC Mo. No. _____." When the reissued item became effective in a former supplement to the same schedule, the PSC number may be omitted, but the supplement number must be given.

(16) Except as otherwise provided in this rule, there shall be at no time more than one (1) supplement in effect to any schedule and the effective supplement to a schedule of twenty (20) or more pages may not contain more than twenty percent (20%) of the number of pages or sheets in the schedule, including the title page, a supplement to a schedule of fewer than twenty (20) pages or ten (10) sheets may not contain more than four (4) pages or two (2) sheets, including the title page.

(17) All changes in and additions to schedules issued in loose-leaf form must be made by reprinting both pages of the leaf or sheet upon which the change is made. When no change or addition is made on one (1) of the pages reprinted, it must bear the notation, "No change in this page." Those pages or sheets shall not be given supplement numbers, but must be designated "First revised page or sheet," "Second revised page or sheet," and the like and must show the name of the issuing corporation and the PSC number of the schedule, the

issued and effective dates and the name, title and address of officer by whom issued.

(18) If a new schedule is filed on statutory notice canceling another schedule and after that filing and prior to the effective date of the new schedule, a supplement to the schedule to be so canceled should be lawfully issued, the rates, rentals or charges in that supplement could not continue in effect for the thirty (30) days required by law because the cancellation of the schedule also cancels the supplement to it. In this case the supplement containing changes not included in the schedule that is to become effective may be issued as a supplement both to the schedule in effect and to the schedule on file that will effect a cancellation and be given both PSC numbers. In other words, such an issue must be a supplement of each of the schedules and copies must be filed accordingly. A supplement issued under this rule containing reissued items shall note in connection with each item, in addition to the effective date required by this rule, that the reissued items expire on the date on which the new schedule will apply in lieu thereof; and the reissued items must not be brought forward in a subsequent supplement to the new schedule. This supplement may not contain any changes except those lawfully made by supplement to the schedule which is to be canceled by the schedule that has been filed and that is also supplemented; and no other kind of a supplement to a schedule that is on file and not yet effective may be made effective within thirty (30) days from the effective date of the schedule without special permission of the commission.

(19) The provisions of section (17) of this rule as to the number of supplements to a schedule that may be in effect at any time and the volume of supplemental matter they may contain need not be observed in connection with a supplement issued under sections (15)–(19) of this rule.

(20) In case of change of ownership and operation of any electrical corporation's property or of the electrical corporation in possession and operating the property, the electrical corporation taking over the operation of the properties, if the existing rates would otherwise remain legally effective, shall issue immediately and file with the commission, with PSC number, an adoption notice substantially as follows:

(A) "The (name of the electrical corporation) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed by it, all schedules, rules, notices, concurrences, schedule agreements, divisions, authorities or other instruments whatsoever, filed with the PUBLIC SERVICE COMMISSION, State of Missouri, by the (name of the electrical corporation), prior to (date), the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above schedules, etc., which (name of the electrical corporation) has heretofore filed with said commission. This notice may be made effective as of the date it is filed with the commission";

(B) In the event that the successor corporation does not intend to adopt some of those schedules, rates, rules, notices, concurrences, authorities or other instruments, the notice shall specify those which are not adopted, and the successor corporation as to such exceptions shall give the cancellation or withdrawal notice provided in this rule;

(C) The adoption notice shall stand and be effective as to all of the local issues of the predecessor electrical corporation; and

(D) In case of a receivership, the receiver shall be deemed as continuing in force the schedules and rules of the corporation whose property s/he has in charge.

(21) Schedules and schedule supplements shall be filed with the commission by the proper officer of the electrical corporation designated to perform that duty; and supplements must be on file with the commission or accompany the schedule or supplement.

(22) All changes in rates, charges or rentals or in rules that affect the rates, charges or rentals shall be filed with the commission at least thirty (30) days before the date upon which they are to become effective. The title page of every rate schedule or supplement and the reissue on any page or sheet must show a full thirty (30) days' notice except as otherwise provided in this rule. The proposed change shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection and reproduction during regular office hours at the general business office of the utility.

(23) Each electrical corporation has the duty of filing with the commission all its schedules of rates and supplements or any rule relative to them which may be announced by the commission, under penalty for failure to do so. The commission will give consistent assistance as it can in this respect, but the fact that the receipt of a rate schedule or a supplement to a rate schedule is acknowledged by the commission, or the fact that a rate schedule or supplement to a rate schedule is in the files of the commission, will not serve or operate to excuse the electrical corporation or municipality from its responsibility or liability for any violation of the law or of any ruling lawfully made which may have occurred in connection therewith or with the construction of filing of a rate schedule or supplement.

(24) Thirty (30) days' notice to the commission is required as to every publication relating to electrical rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(25) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which the schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissue. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In these cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which that schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

(26) When a schedule is rejected by the commission as unlawful, the records will so show and that schedule should not in the future be referred to as canceled, amended or otherwise except to note on the publication issued in lieu of that rejected schedule, "In lieu of _____, rejected by the commission;" nor shall the number which it bears be used again.

(27) Rates, charges or rentals or regulations relating to them, prescribed by the commission in its decisions and orders, after hearings upon formal complaints, shall in every instance be promulgated by the electrical corporation against which those orders are entered, in duly published and filed rate schedules, supplements or revised pages or sheets of schedules, and notice shall be sent to the commission that its order in Case No. _____ has been complied with in item _____, page _____, of schedule PSC Mo. No. _____; or supplement to schedule PSC Mo. No. _____; or reissued

page or sheet No. _____ to schedule PSC Mo. No. _____.

(28) Schedules and supplements shall be filed in numerical order of PSC numbers. If in any instance this procedure is not observed as required by these rules, a memorandum must accompany the schedule so filed with the commission explaining omission of missing number(s).

(29) Electrical corporations are directed, in filing schedules, to transmit one (1) copy of each rate schedule, supplement or other charges or regulations for the use of the commission. Schedules sent for filing must be addressed to Public Service Commission, PO Box 360, Jefferson City, MO 65102.

(30) All schedules filed with the commission shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.150 Filing Requirements for Electric Utility Promotional Practices

PURPOSE: Electric utilities with promotional practices must meet the filing requirements in this rule prior to offering a promotional practice.

(1) Any promotional practices offered by an electric utility must meet the requirements set out in the commission's rules regarding utility promotional practices (4 CSR 240-14).

(2) No electric utility or its affiliate shall offer or grant any additional promotional practice or vary or terminate any existing promotional practice, directly or indirectly, or in concert with others, or by any means whatsoever, until a tariff filing showing the addition or variation or termination in the form prescribed by this rule has been made with the commission and a copy furnished to each other electric utility providing the same or competing utility service in any portion of the service area of the filing utility.

(A) The utility shall provide the following information on the tariff sheets:

1. The name, number or letter designation of the promotional practice;
2. The class of persons to which the promotional practice is being offered or granted;
3. Whether the promotional practice is being uniformly offered to all persons within that class;
4. A description of the promotional practice and a statement of its purpose or objective;
5. A statement of the terms and conditions governing the promotional practice;
6. If the promotional practice is offered or granted, in whole or in part, by an affiliate or other person, the identity of the affiliate or person and the nature of their participation; and
7. Other information relevant to a complete understanding of the promotional practice.

(3) The utility shall provide the following supporting information for each promotional practice:

(A) A description of the advertising or publicity to be employed with respect to the promotional practice;

(B) For promotional practices that are designed to evaluate the cost-effectiveness of potential demand-side resources, a description of the evaluation criteria, the evaluation plan and the schedule for completing the evaluation; and

(C) For promotional practices that are designed to acquire demand-side resources, documentation of the criteria used and the analysis performed to determine that the demand-side resources are cost-effective.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.155 Requirements for Electric Utility Cogeneration Tariff Filings

PURPOSE: This rule defines the requirements of electric utilities pertaining to the filing of tariffs regarding purchasing electricity generated by small power producers and cogenerators. Additional provisions pertaining to cogeneration are set forth in 4 CSR 240-20.060.

(1) Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA) shall have the same meaning for purposes of this rule as they have under PURPA, unless further defined in this rule.

(2) All regulated electric utilities shall—

(A) File tariffs providing standardized rates for facilities at or under one hundred (100) kilowatts on design capacity. The tariffs are to take account of the stochastic effect achieved by the aggregate output of dispersed small systems, that is, statistically a dispersed array of facilities may produce a level of reliability not enjoyed by any one (1) of the units taken separately. When that aggregate capacity value which allows the utility to avoid a capacity cost occurs and can be reasonably estimated, a corresponding credit must be included in the standard rates. The tariffs should take into account patterns of availability of particular energy sources such as the benefits to a summer peaking utility from photovoltaic systems or to a winter peaking utility for wind facilities. For the purposes of this rule, rate means any price, rate, charge or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity or any rule or practice respecting any such rate, charge or classification and any contract pertaining to the sale or purchase of electric energy or capacity;

(B) Submit a standard form contract for facilities over one hundred (100) kilowatts as the basis for tariffs for these facilities. Issues such as avoided costs, losses, reliability and ability to schedule are to be considered in the contract.

(3) All tariffs and other data required to be prepared and filed by electric utilities under the provisions of subsection (1) shall be submitted no later than September 15, 1981, and updated and revised on or before January 15, 1983, and not less than every two (2) years after that, unless otherwise ordered by the commission.

(4) To make available data from which avoided costs may be derived, not later than September 15, 1981, and updated and revised on or before January 15, 1983, and not less than every two (2) years after that, unless otherwise ordered by the commission, each regulated electric utility shall provide to the Public Service Commission (PSC) and shall maintain for public inspection the following data:

(A) The estimated avoided cost on the electric utility's system, solely with respect to the energy component, for various levels of purchases from qualifying facilities. These levels of purchases shall be stated in blocks of not more than one hundred (100) megawatts for systems with peak demand of one thousand (1,000) megawatts or

more, and in blocks equivalent to not more than ten percent (10%) of the system peak demand for systems of less than one thousand (1,000) megawatts. The avoided costs shall be stated on a cents per kilowatt-hour basis, during daily and seasonal peak and off-peak periods, by year, for the current calendar year and each of the next five (5) years;

(B) The electric utility's plans for the addition of capacity by amount and type, for purchases of firm energy and capacity and for capacity retirements for each year during the succeeding ten (10) years; and

(C) The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt and the associated energy costs of each unit, expressed in cents per kilowatt hour. These costs shall be expressed in terms of individual generating units and of individual planned firm purchases.

(5) Special Rule for Small Electric Utilities.

(A) Each electric utility (other than any electric utility to which subparagraph (5)(A)2. applies) upon request shall—

1. Provide comparable data to that required under section (2) to enable qualifying facilities to estimate the electric utility's avoided costs for periods described in section (2); or

2. With regard to an electric utility which is legally obligated to obtain all its requirements for electric energy and capacity from another electric utility, provide the data of its supplying utility and the rates at which it currently purchases the energy and capacity.

(B) If any such electric utility fails to provide this information on request, the qualifying facility may apply to the Public Service Commission for an order requiring that the information be provided.

(6) PSC Review.

(A) Any data submitted by an electric utility under this section shall be subject to review by the PSC.

(B) In any such review, the electric utility has the burden of coming forward with justification for its data.

(7) Implementation of Certain Reporting Requirements. Any electric utility which fails to comply with the requirements of subsection (1)(B) shall be subject to the same penalties to which it may be subjected for failure to comply with the requirements of the Federal Energy Regulatory Commission's (FERC's) regulations issued under Section 133 of PURPA.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments.

and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.160 Filing Requirements for Electric Utility General Rate Increase Requests

PURPOSE: This rule prescribes information which must be filed by all electric utilities when filing for a general company-wide increase in rates. As noted in the rule, additional provisions pertaining to the filing requirements for general rate increase requests are found at 4 CSR 240-3.030.

(1) In addition to the requirements of 4 CSR 240-3.030, any electric utility which submits a general rate increase request shall submit the following:

(A) Its depreciation study, database and property unit catalog. However, an electric utility need not submit a depreciation study, database or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase or before five (5) years have elapsed since the last time the commission's staff received a depreciation study, database and property unit catalog from the utility. The depreciation study, database and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;

2. The database shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, electric generating facility, combustion turbine, general office building or other large structure; and

3. The property unit catalog shall contain a description of each retirement unit used by the utility.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-

654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.165 Annual Report Filing Requirements for Electric Utilities

PURPOSE: This rule establishes standards for filing annual reports by electric utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) All electric utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year.

(2) Electric utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the secretary of the commission to file that information under seal and state good cause for maintaining the information under seal. The secretary of the commission shall then, through the general counsel, present that request to the commission for approval. The secretary of the commission shall inform the utility within three (3) days of the commission decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the secretary of the commission and state the reason for the extension request. The secretary of the commission, through the chief administrative law judge, shall present the report to the commission for approval. The secretary of the commission shall inform the utility in writing within three (3) days of the decision of the commission.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.175 Submission Requirements for Electric Utility Depreciation Studies

PURPOSE: This rule sets forth the requirements regarding the submission of depreciation studies by electric utilities.

(1) Each electric utility subject to the commission's jurisdiction shall submit a depreciation study, database and property unit catalog to the manager of the commission's energy department and to the Office of the Public Counsel, as required by the terms of subsection (1)(B).

(A) The depreciation study, database and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;

2. The database shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, electric generating facility, combustion turbine, general office building or other large structure; and

3. The property unit catalog shall contain a description of each retirement unit used by the company.

(B) An electric utility shall submit its depreciation study, database and property unit catalog on the following occasions:

1. On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word the, as indicated by the tariffs on file with the commission.

A. The alphabetical categories and submission due dates are as follows:

(I) A, B, C, D: January 1, 1994;

(II) E, F, G, H: July 1, 1994;

(III) I, J, K, L: January 1, 1995;

(IV) M, N, O, P: July 1, 1995;

(V) Q, R, S, T: January 1, 1996; and

(VI) U, V, W, X, Y, Z: July 1, 1996.

B. However—

(I) An electric utility need not submit a depreciation study, database or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (1)(B)1.A.; and

(II) A utility with simultaneous due dates under subparagraph (1)(B)1.A. above and 4 CSR 240-3.275(1)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;

2. Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, database and property unit catalog from the utility.

(2) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.180 Submission of Electric Utility Residential Heat-Related Service Cold Weather Report

PURPOSE: This rule sets forth the requirements for electric utilities to submit reports regarding services provided during the commission's designated cold weather period.

(1) Each utility providing heat-related utility service shall submit a report to the consumer services department of the commission for each calendar month no later than the twentieth day of the following month. The utility shall provide a copy of each report to the Office of the Public Counsel. The report shall include the information listed below for each operational district into which the utility has divided its Missouri service territory. Utilities providing both electric and gas service shall report the information separately for their gas-only territory:

(A) The number of days on which discontinuance of service was not prohibited by the cold weather rule's daily temperature moratorium (4 CSR 240-13.055(4));

(B) The utility shall report the following information for all residential customers and state separately the information for those on whose behalf the utility has received notice of qualification for publicly funded energy assistance:

1. The number of residential customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055(8);

2. The number of residential customers whose heat-related utility service was discontinued due to failure to make timely payments under a 4 CSR 240-13.055(8) agreement;

3. The total amount due and owing from residential customers whose utility service was discontinued due to failure to make timely payments under a 4 CSR 240-13.055(8) agreement;

4. The number of residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under a 4 CSR 240-13.055(8) payment agreement; and

5. The total amount due and owing from residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under a 4 CSR 240-13.055(8) payment agreement.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.185 Submission of Reports Pertaining to the Decommissioning of Electric Utility Plants

PURPOSE: Electric utilities with nuclear plants must submit the reports pertaining to the decommissioning trust fund of the nuclear plants as outlined in this rule. The rule pertaining to decommissioning trust funds may be found at 4 CSR 240-20.070.

(1) The utility or the trustee shall file reports quarterly to the commission. The reports shall contain the following information:

(A) A total of all jurisdictional balances of the trust fund(s) based on a carrying cost (book) value;

(B) A total of all jurisdictional balances of the trust fund(s) based on a market value;

(C) A Missouri jurisdictional balance of the trust fund(s) based on a carrying cost (book) value;

(D) A Missouri jurisdictional balance of the trust fund(s) based on a market value;

(E) A summary of the trust account including the utility's contributions, incomes, expenses and a weighted average after-tax return for the quarter;

(F) A portfolio summary per asset class by amount and percentage;

(G) A detailed report of daily transactions; and

(H) Any other information the commission orders the utility or trustee to provide.

(2) In addition, the utility or the trustee shall file reports annually to the commission that contain the following information:

(A) An asset maturity schedule;

(B) A summary of the trust's portfolio of investments including a listing of each security detailing the carrying cost, current market value, maturity date, estimated annual income and the yield to maturity;

(C) A copy of all correspondence including income tax returns and tax exempt rulings concerning the trust with the Internal Revenue Service (IRS) or any state revenue agency; and

(D) Any other information the commission orders the utility or trustee to provide.

(3) On or before September 1, 1990 and every three (3) years after that, utilities with decommissioning trust funds shall perform and file with the commission cost studies detailing the utilities' latest cost estimates for decommissioning their nuclear generating unit(s) along with the funding levels necessary to defray these decommissioning costs. These studies shall be filed along with appropriate tariff(s) effectuating the change in rates necessary to accomplish the funding required. In addition, the commission, at any time for just cause, may require a utility to file an updated decommissioning cost study, funding requirement and associated tariff(s).

(4) At the time a tariff(s) is filed by a utility which proposes any change in rates due to changes in the estimate of decommissioning cost or the funding level of its nuclear decommissioning trust fund(s), the utility shall file the following minimum information in support of the need for changes in its tariff rates:

(A) An updated decommissioning cost study which estimates the cost of decommissioning and the funding levels necessary to defray these costs. This study shall contain the following information:

1. Detailed quantities and unit prices in current dollars for each system of the nuclear generating unit to be decommissioned;

2. A detailed breakdown between radioactive contaminated systems and those systems which are not contaminated by radioactivity;

3. Funding levels which are computed on a levelized basis and which accrue future decommissioning costs over the remaining licensed life of the nuclear generating unit. The utility shall include the earnings rate and inflation rate assumed in the cost study as compared to those assumed in any previous study;

4. A detailed description of any facilities that were added to or deleted from the cost study filed in the previous case;

5. The beginning date for the expenditure of funds for decommissioning assumed in the study shall be no later than the expiration date of the unit's current Nuclear Regulatory Commission (NRC) license; and

6. The study shall consider and evaluate all reasonable practices or procedures which would reduce the ultimate cost of decommissioning; and

(B) A summary description of the reasons (for example, changes in regulation, technology or economics) that brought on the need to change the decommissioning cost estimate.

(5) Upon proper application and after due notice and hearing, the commission may waive any provision of this rule for good cause shown.

AUTHORITY: sections 386.250 and 393.292, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.190 Electric Utility Reporting Requirements

PURPOSE: This rule prescribes requirements and procedures for the reporting of certain events by electrical corporations to the Public Service Commission to inform the commission of developments which

may affect the rendering of safe and adequate service and to enable the commission to thoroughly and fairly investigate certain events, which may have an impact in future electric rate proceedings at the time and in the context in which those events occur.

(1) Commencing on September 1, 1991, every electrical corporation, as defined in section 386.020, RSMo, subject to the jurisdiction of the Public Service Commission (PSC) shall accumulate the following information and transmit it to the manager of the energy department of the PSC, or his/her designee, no later than the last business day of the month following the month to be reported and after that on a monthly basis:

(A) All generating unit outages and derates, excluding hydroelectric generating units and units whose capacity comprise less than one and one-half percent (1 1/2%) of the electrical corporation's installed capacity;

(B) All fuel purchases for power production purposes, including the terms of those purchases. A copy of the Monthly Report of Cost and Quality of Fuels for Electric Plants on FERC Form No. 423, as submitted to the Federal Energy Regulatory Commission (FERC), will satisfy the requirements of this subsection;

(C) Net hourly generation for each generating unit;

(D) Hourly purchases and sales of electricity from or to other utility companies, independent power producers or cogenerators, including the parties to purchases and sales, and the terms of purchases and sales;

(E) Capacity purchases of longer than seven (7) days' duration;

(F) Planned outages of power production facilities, as they are scheduled or rescheduled. Changes from the planned outage schedule must be reported by telephone or electronic transmission to the manager of the energy department of the PSC or his/her designee prior to the initiation of the outage, if the changes result in the planned outage schedule being different from the schedule in the most recently submitted monthly report;

(G) Planned fuel test burns, unit heat-rate tests and accreditation runs as they are scheduled or rescheduled. Changes from previously planned fuel test burns, unit heat-rate tests and accreditation runs must be reported by telephone or electronic transmission to the manager of the energy department of the PSC or his/her designee prior to their initiation, if these changes result in the schedule for fuel test burns, unit heat-rate tests and accreditation runs being different from the schedule in the most recently submitted monthly report;

(H) Citations or notices of violation related to power production facilities received from any state or federal utility regulatory agency or environmental agency including, but not limited to, the FERC, the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), the Department of Natural Resources (DNR) and the Department of Energy (DOE);

(I) The terms of new contracts or existing contracts which will be booked to Accounts 310-346 or Accounts 502-546 of the FERC's Uniform System of Accounts requiring the expenditure by the electrical corporation of more than fifty thousand dollars (\$50,000) including, but not limited to, contracts for engineering, consulting, repairs and modifications or additions to an electric plant; and

(J) Copies of all written reports on forced generating unit outages of longer than three (3) days, test burns of fuel, heat-rate tests, accreditation runs and responses to state or federal utility regulatory agencies or environmental agencies including, but not limited to, the FERC, the NRC, the EPA, the DNR and the DOE, concerning any alleged infractions, deviations or noncompliance with those agencies' rules or standards related to power production facilities.

(2) The information required in subsections (1)(C) and (D) of this rule may be provided to the manager of the energy department of the PSC or his/her designee on computer diskette or by electronic transmission. If the information required in subsections (1)(C) and (D) is provided on computer diskette or by electronic transmission, the data reported and the software program used to record the data shall be

clearly identified and shall be accompanied by a statement as required in subsection (4)(A) of this rule.

(3) In addition to the reporting requirements in sections (1) and (2) of this rule, every electrical corporation, as defined in section 386.020, RSMo, subject to the jurisdiction of the PSC, shall report to the manager of the energy department of the PSC or his/her designee by telephone or electronic transmission by the end of the first business day following discovery the information described in subsections (3)(A)-(E) below. If the report is initially made by telephone, the electric utility shall submit a written description either by mail or electronic transmission within five (5) business days following the discovery.

(A) Details of any accident at a power plant involving serious physical injury or death or property damage in excess of fifty thousand dollars (\$50,000);

(B) Forced outages of any nuclear generating unit(s) that could reasonably be anticipated to last longer than three (3) days;

(C) Forced outages of any fossil-fuel fired generating unit(s) which constitutes twenty percent (20%) or more of the electrical corporation's accredited capacity that reasonably could be anticipated to last longer than three (3) days, when the unit(s) is forced out due to a common occurrence;

(D) Reductions of coal inventory below a thirty (30)-day supply and reductions of oil inventory below fifty percent (50%) of normal oil inventory; and

(E) Loss of transmission capability that could limit the output of a generating plant.

(4) All reports and information submitted by electrical corporations pursuant to this rule shall be—

(A) Subscribed by the president, treasurer, general manager, receiver or other authorized representative of the electrical corporation having knowledge of the subject matter and shall be stated to be accurate and complete, and contain no material misrepresentations or omissions, based upon facts of which the person subscribing the report or information has knowledge, information or belief; and

(B) Sent to the Energy Department Manager, Public Service Commission, PO Box 360, 200 Madison St., Suite 700, Jefferson City, MO 65102 or submitted electronically through the commission's electronic filing system.

(5) The reporting requirements prescribed by this rule shall be in addition to all other reporting requirements prescribed by law.

(6) The information contained in the reports filed pursuant to this rule shall be subject to the provisions of section 386.480, RSMo and the use of that information in any proceeding before the commission shall be governed by the terms of any protective order issued by the commission in the proceeding, if a protective order has been issued.

(7) The receipt by the commission or commission staff of reports prescribed by this rule shall not bind the commission or commission staff to the approval or acceptance of, or agreement with any matter contained in the reports for the purpose of fixing rates or in determining any other issue that may come before the commission.

(8) Upon proper application and after notice and an opportunity for hearing, the commission, in its discretion, may waive any provision of this rule for good cause shown.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.200 Definitions Pertaining Specifically to Gas Utility Rules

PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.205 through 4 CSR 240-3.295, which are in addition to the definitions set forth in rule 4 CSR 240-3.010 of this chapter.

(1) Affiliate means any person who, directly or indirectly, controls or is controlled by or is under common control with a gas utility.

(2) Affiliated entity means any person, including an individual, corporation, service company, corporate subsidiary, firm, partnership, incorporated or unincorporated association, political subdivision including a public utility district, city, town, county, or a combination of political subdivisions, which directly or indirectly, through one (1) or more intermediaries, controls, is controlled by, or is under common control with the regulated gas corporation.

(3) Affiliate transaction means any transaction for the provision, purchase or sale of any information, asset, product or service, or portion of any product or service, between a regulated gas corporation and an affiliated entity, and shall include all transactions carried out between any unregulated business operation of a regulated gas corporation and the regulated business operations of a gas corporation. An affiliate transaction for the purposes of this rule excludes heating, ventilating and air conditioning (HVAC) services as defined in section 386.754 by the General Assembly of Missouri.

(4) Appliance or equipment means any device which consumes gas energy and any ancillary device required for its operation.

(5) Consideration shall be interpreted in its broadest sense and shall include any cash, donation, gift, allowance, rebate, discount, bonus, merchandise (new or used), property (real or personal), labor, service, conveyance, commitment, right or other thing of value.

(6) Control (including the terms "controlling," "controlled by," and "common control") means the possession, directly or indirectly, of the power to direct, or to cause the direction of the management or policies of an entity, whether such power is exercised through one (1) or more intermediary entities, or alone, or in conjunction with, or pursuant to an agreement with, one (1) or more other entities, whether such power is exercised through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, affiliated entities, contract or any other direct or indirect means. The commission shall presume that the beneficial ownership of ten percent (10%) or more of voting securities or partnership interest of an entity constitutes control for purposes of this rule. This provision, however, shall not be construed to prohibit a regulated gas corporation from rebutting the presumption that its ownership interest in an entity confers control.

(7) Cost-effective means that the present value of life-cycle benefits is greater than the present value of life-cycle costs to the provider of an energy service.

(8) Demand-side resource means any inefficient energy-related choice that can be influenced cost-effectively by a utility. The meaning of this term shall not be construed to include load-building program.

(9) Designated commission personnel means the commission's Pipeline Safety Program Manager at the address contained in 4 CSR 240-40.020(5) for written reports and the list of staff personnel supplied to the operators for telephonic notices, both as are required by 4 CSR 240-40.020.

(10) Gas means natural gas, flammable gas, manufactured gas or gas which is toxic or corrosive.

(11) Gas seller means any person who uses, leases, or controls the distribution system of a distributor or a political subdivision or any part thereof to sell energy services at retail within a political subdivision, other than a distributor or a political subdivision.

(12) Inefficient energy-related choice means any decision that causes the life-cycle cost of providing an energy service to be higher than it would be for an available alternative choice.

(13) Load-building program means an organized promotional effort by a utility to persuade energy-related decision makers to choose the form of energy supplied by that utility instead of other forms of energy for the provision of energy service or to persuade customers to increase their use of that utility's form of energy, either by substituting it for other forms of energy or by increasing the level or variety of energy services used. This term is not intended to include the provision of technical or engineering assistance, information about filed rates and tariffs or other forms of routine customer service.

(14) Operator means a person who engages in the transportation of gas.

(15) Pipeline or pipeline system means all parts of those physical facilities through which gas moves in transportation including, but not limited to, pipe, valves and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.

(16) Pipeline facility means new and existing pipeline, rights-of-way and any equipment, facility or building used in the transportation of gas or in the treatment of gas during the course of transportation.

(17) Promotional practices means any consideration offered or granted by a gas utility or its affiliate to any person for the purpose, express or implied, of inducing the person to select and use the ser-

vice or use additional service of the utility or to select or install any appliance or equipment designed to use the utility service, or for the purpose of influencing the person's choice or specification of the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures. The term promotional practices shall not include the following activities:

(A) Making any emergency repairs to appliances or equipment of customers;

(B) Providing appliances or equipment incidental to demonstrations of sixty (60) days or less in duration;

(C) Providing light bulbs, street or outdoor lighting service, wiring, service pipe or other service equipment or appliances, in accordance with tariffs filed with and approved by the commission;

(D) Providing appliances or equipment to an educational institution for the purpose of instructing students in the use of the appliances or equipment;

(E) Merchandising appliances or equipment at retail and, in connection therewith, the holding of inventories, making and fulfillment of reasonable warranties against defects in material and workmanship existing at the time of delivery and financing; provided that the merchandising shall not violate any prohibition contained in 4 CSR 240-14.020;

(F) Inspecting and adjusting of appliances or equipment by a gas utility;

(G) Repairing and other maintenance to appliances or equipment by a gas utility if charges are at cost or above;

(H) Providing free or below-cost energy audits or other information or analysis regarding the feasibility and cost-effectiveness of improvements in the efficiency characteristics of appliances, equipment, buildings, utilization patterns or operating procedures;

(I) Offering to present or prospective customers by a gas utility technical or engineering assistance; and

(J) Advertising or publicity by a gas utility which is under its name and on its behalf and which does not in any manner, directly or indirectly, identify, describe, refer to, mention or relate to any architect, builder, engineer, subdivider, developer or other similar person, or which mentions no less than three (3) existing projects, developments or subdivisions.

(18) Service line means a distribution line that transports gas from a common source of supply to a) a customer meter or the connection to a customer's piping, whichever is farther downstream, or b) the connection to a customer's piping if there is no customer meter. A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

(19) Transmission line means a pipeline, other than a gathering line, that:

(A) Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center (A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas);

(B) Operates at a hoop stress of twenty percent (20%) or more of specified minimum yield strength (SMYS); or

(C) Transports gas within a storage field.

(20) Transportation of gas means the receipt of gas at one point on a regulated gas corporation's system and the redelivery of an equivalent volume of gas to the retail customer of the gas at another point on the regulated gas corporation's system including, without limitation, scheduling, balancing, peaking, storage, and exchange to the extent such services are provided pursuant to the regulated gas corporation's tariff, and includes opportunity sales.

(21) Yard line means an underground fuel line that transports gas from the service line to the customer's building. If multiple buildings are being served, building shall mean the building nearest to the

connection to the service line. For purposes of this definition, if aboveground fuel line piping at the meter location is located within five feet (5') of a building being served by that meter, it shall be considered to the customer's building and no yard line exists. At meter locations where aboveground fuel line piping is located greater than five feet (5') from the building(s) being served, the underground fuel line from the meter to the entrance into the nearest building served by that meter shall be considered the yard line and any other lines are not considered yard lines.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.205 Filing Requirements for Gas Utility Applications for Certificates of Convenience and Necessity

PURPOSE: Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of convenience and necessity by a gas company shall include the following information:

(A) If the application is for a service area—

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;
2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than

ten (10) residents or landowners, the name and address of all residents and landowners;

3. The legal description of the area to be certificated;

4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) If the application is for gas transmission lines—

1. A description of the route of construction and a list of all electric and telephone lines of regulated and nonregulated utilities, railroad tracks or any underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;

2. The plans and specifications for the complete construction project and estimated cost of the construction project or a statement of the reasons the information is currently unavailable and a date when it will be furnished; and

3. Plans for financing;

(C) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(D) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(E) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should

contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.210 Filing Requirements for Gas Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets

PURPOSE: Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and

information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.215 Filing Requirements for Gas Utility Applications for Authority to Merge or Consolidate

PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission,

Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.220 Filing Requirements for Gas Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness

PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and
2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.225 Filing Requirements for Gas Utility Applications for Authority to Acquire the Stock of a Public Utility

PURPOSE: Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.230 Filing Requirements for Gas Storage Companies Requesting the Authority to Acquire Property Through Eminent Domain Proceedings

PURPOSE: Applications to the commission for the authority to acquire property through eminent domain proceedings must meet the requirements of this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for gas storage companies for authority to acquire property through eminent domain proceedings shall include:

- (A) The legal description of the areas to be acquired;
- (B) A map showing the areas to be acquired;
- (C) Names and addresses of all persons who may have any legal or equitable title of record in the property to be acquired; and
- (D) The reasons it is necessary to acquire the property and why it is in the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.235 Filing Requirements for Gas Utility General Rate Increase Requests

PURPOSE: This rule prescribes information which must be filed by all gas utilities when filing for a general company-wide increase in rates. As noted in the rule, additional provisions pertaining to the filing requirements for general rate increase requests are found at 4 CSR 240-3.030.

(1) In addition to the requirements of 4 CSR 240-3.030, any gas utility which submits a general rate increase request shall submit the following:

(A) Its depreciation study, database and property unit catalog. However, a gas utility need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase or before five (5) years have elapsed since the last time the commission's staff received a depreciation study, database and property unit catalog from the utility. The depreciation study, database and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;

2. The database shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, propane/air production facility, liquefied natural gas facility, underground natural gas storage facility, general office building or other large structure; and

3. The property unit catalog shall contain a description of each retirement unit used by the utility.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.240 Gas Utility Small Company Rate Increase Procedure

PURPOSE: This rule provides procedures for small gas utilities to obtain rate increases.

(1) Notwithstanding any other rule to the contrary, small companies, as defined in this rule, may seek a general increase in revenues through a small company rate case by filing a letter requesting the change. The request shall not be accompanied by any tariff sheets. For the purpose of this rule, small companies qualifying to use the small company rate case described in this rule shall include gas utilities having three thousand (3,000) or fewer customers. The small company rate case shall be conducted as follows:

(A) The original letter requesting the change shall be filed with the secretary of the commission and one (1) copy shall be furnished to the public counsel. The letter shall state the amount of the additional revenue requested, the reason(s) for the proposed change and a statement that all commission annual assessments have been paid in full or are being paid under an installment plan. The letter should also include a statement that the company's current annual report is on file with the commission. The company, in writing, shall notify customers of the request for additional revenue and the effect on the typical residential customer's bill. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within thirty (30) days of the date shown

on the notice. A draft copy of the notice shall be sent to the appropriate commission department for verification of the accuracy of the notice before being sent to the company's customers. A copy of the final notice shall then be sent to the appropriate commission department and the public counsel. The commission staff and the public counsel shall exchange copies of customer responses upon their receipt. Upon receipt of the company's request, the commission staff shall schedule an investigation of the company's operations and an audit of its financial records. When the investigation and audit are complete, the commission staff shall notify the company and public counsel whether the requested additional revenue is recommended in whole or in part, of the rate design proposal for the increase, and of any recommended operational changes. If public counsel wishes to conduct an investigation and audit of the company, it must do so within the same time period as staff's investigation and audit;

(B) The commission staff, within twenty-one (21) days from the completion of its investigation, shall arrange a conference with the company and shall notify the public counsel of the conference prior to the conference, in order to provide the public counsel an opportunity to participate;

(C) If the conference between the commission staff, the company and the public counsel results in an agreement concerning additional revenue requirements and any other matters pertaining to the company's operations, including responses to customer concerns, the agreement between the commission staff, the company and the public counsel shall be reduced to writing. The company may then file tariff sheet(s) with an effective date which is not fewer than thirty (30) days after the tariff's issue date and no additional customer notice or local public hearing shall be required, unless otherwise ordered by the commission. The company shall file a copy of the agreement with its tariff;

(D) If the conference results in an agreement between the commission staff and the company only, the company at this time shall file the necessary tariff sheet(s) with the commission in accordance with the agreement. The tariff sheet(s) shall contain an effective date of not fewer than forty-five (45) days from the issue date. The company shall notify customers in writing of the proposed rates resulting from the agreement. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within twenty (20) days of the date shown on the notice. A copy of the notice shall be sent to the secretary of the commission and the public counsel. The commission staff and the public counsel shall exchange copies of the customer responses upon their receipt. The public counsel shall file a pleading indicating its agreement or disagreement with the tariff sheet(s) within twenty-five (25) days of the date the tariff sheet(s) is filed, unless a public hearing is requested;

(E) A request for a local public hearing may be filed after the tariff sheet(s) is filed by the company. The request shall be filed within twenty (20) days of the filing of the tariff sheet(s) by the company. Public counsel shall file a pleading indicating agreement or disagreement with the tariff sheet(s) within seven (7) days after the local public hearing;

(F) An agreement must be reached and tariff sheet(s) filed based upon the agreement within one hundred fifty (150) days from the date the letter initiating the case is filed. This time period may be extended with the consent of the company. Written consent for an extension shall be filed with the company's tariff; and

(G) If no agreement can be reached between the commission staff and the company, the company may initiate a standard rate case.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.245 Annual Report Filing Requirements for Gas Utilities

PURPOSE: This rule establishes standards for filing annual reports by gas utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) All gas utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year.

(2) Gas utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the secretary of the commission to file that information under seal and state good cause for maintaining the information under seal. The secretary of the commission shall then, through the general counsel, present that request to the commission for approval. The secretary of the commission shall inform the utility within three (3) days of the commission decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the secretary of the commission and state the reason for the extension request. The secretary of the commission, through the chief administrative law judge, shall present the report to the commission for approval. The secretary of the commission shall inform the utility in writing within three (3) days of the decision of the commission.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.250 Submission of Gas Utility Residential Heat-Related Service Cold Weather Report

PURPOSE: This rule sets forth the requirements for gas utilities providing residential heat-related utility service to submit reports regarding services provided during the commission's designated cold weather period.

(1) Each gas utility providing heat-related utility service shall submit a report to the consumer services department of the commission for each calendar month no later than the twentieth day of the following month. The utility shall provide a copy of each report to the office of the public counsel. The report shall include the information listed below for each operational district into which the utility has divided its Missouri service territory. Utilities providing both electric and gas service shall report the information separately for their gas-only territory:

(A) The number of days on which discontinuance of service was not prohibited by the cold weather rule's daily temperature moratorium (4 CSR 240-13.055(4));

(B) The utility shall report the following information for all residential customers and state separately the information for those on whose behalf the utility has received notice of qualification for publicly funded energy assistance:

1. The number of residential customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055(8);

2. The number of residential customers whose heat-related utility service was discontinued due to failure to make timely payments under an agreement made pursuant to 4 CSR 240-13.055(8);

3. The total amount due and owing from residential customers whose utility service was discontinued due to failure to make timely payments under an agreement made pursuant to 4 CSR 240-13.055(8);

4. The number of residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under an agreement made pursuant to 4 CSR 240-13.055(8); and

5. The total amount due and owing from residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under an agreement made pursuant to 4 CSR 240-13.055(8).

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.255 Filing Requirements for Gas Utility Promotional Practices

PURPOSE: This rule prescribes the filing requirement for present, proposed or revised promotional practices.

(1) Any promotional practices offered by a gas utility must meet the requirements set out in the commission's rules regarding utility promotional practices (4 CSR 240-14).

(2) No gas utility or its affiliate shall offer or grant any additional promotional practice or vary or terminate any existing promotional practice, directly or indirectly, or in concert with others, or by any

means whatsoever, until a tariff filing showing the addition or variation or termination in the form prescribed by this rule has been made with the commission and a copy furnished to each other gas utility providing the same or competing utility service in any portion of the service area of the filing utility.

(A) The utility shall provide the following information on the tariff sheets:

1. The name, number or letter designation of the promotional practice;

2. The class of persons to which the promotional practice is being offered or granted;

3. Whether the promotional practice is being uniformly offered to all persons within that class;

4. A description of the promotional practice and a statement of its purpose or objective;

5. A statement of the terms and conditions governing the promotional practice;

6. If the promotional practice is offered or granted, in whole or in part, by an affiliate or other person, the identity of the affiliate or person and the nature of their participation; and

7. Other information relevant to a complete understanding of the promotional practice.

(B) The utility shall provide the following supporting information for each promotional practice:

1. A description of the advertising or publicity to be employed with respect to the promotional practice;

2. For promotional practices that are designed to evaluate the cost-effectiveness of potential demand-side resources, a description of the evaluation criteria, the evaluation plan and the schedule for completing the evaluation; and

3. For promotional practices that are designed to acquire demand-side resources, documentation of the criteria used and the analysis performed to determine that the demand-side resources are cost-effective.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.260 Filing Requirements for Gas Utility Rate Schedules

PURPOSE: This rule prescribes the forms and procedures for filing and publishing schedules of rates of all gas utilities under the jurisdiction of the Public Service Commission.

(1) Every gas corporation engaged in the manufacture, furnishing or distribution of gas of any nature whatsoever for light, heat or power, within the state of Missouri, is directed not later than October 15, 1913, to have on file with this commission and keep open for public inspection, schedules showing all rates and charges in connection with such service of whatever nature made by the gas corporations for each and every kind of service which it renders as were in force on April 15, 1913, together with proper supplements covering all changes in the rate schedules authorized by this commission, if any, since April 15, 1913.

(2) All such rate schedules now on file with the commission not in accordance with this rule shall be issued in the form and manner prescribed by this rule and all rate schedules issued after April 15, 1913, must conform to this rule.

(3) Rate schedules shall be drawn up substantially in accordance with Form No. 14 and shall be plainly printed or typewritten on good quality of paper of size eight and one-half inches by eleven inches (8 1/2" x 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show in the marginal space at the top of the page the name of the gas corporation issuing, the PSC number of schedule and the number of the page. In the marginal space at the bottom of sheet should be shown—the date of issue, the effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo. Schedules shall be numbered in consecutive serial order beginning with number 1 for each gas corporation. If a schedule or part of a schedule is cancelled, a new schedule or part thereof (sheet(s) if loose-leaf) will refer to the schedule canceled by its PSC number; thus: PSC Mo. No. _____ cancelling PSC Mo. No. _____.

(4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

(5) All proposed changes in rates, charges or rentals or in rules that affect rates, charges or rentals filed with the commission shall be accompanied by a brief summary, approximately one hundred (100) words or less of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection and reproduction during regular office hours at the general business office of the utility.

(6) Thirty (30) days' notice to the commission is required as to every publication relating to gas rates or service except where publications are made effective on less than statutory notice by permission, rule or requirement of the commission.

(7) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days

required by law before the date upon which the schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In those cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which the schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, rule or permission granted by the commission will be exacted.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.270 Filing Requirements Regarding Plans, Procedures and Programs for Transportation of Natural Gas by Pipeline

PURPOSE: This rule prescribes the plans, procedures, and programs for transportation of natural gas by pipelines which are further described in 4 CSR 240-40.030.

(1) General. All gas systems under pipeline safety jurisdiction of the Missouri Public Service Commission must establish and submit welding procedures, joining procedures, and construction specifications and standards to designated commission personnel before construction

activities begin. All other plans, procedures, and programs required by rules 4 CSR 240-40.020, 4 CSR 240-40.030, and 4 CSR 240-40.080 must be established and submitted to designated commission personnel before the system is put into operation. Plans, procedures, and programs must be submitted to designated commission personnel in accordance with 4 CSR 240-40.030(1)(J) and maintained and modified in accordance with 4 CSR 240-40.030(1)(G).

(2) Welding Procedures. Written welding procedures in accordance with 4 CSR 240-40.030(5) must be submitted to designated commission personnel.

(3) Joining Procedures. Written procedures for joining pipelines other than by welding in accordance with 4 CSR 240-40.030(6)(B) and (6)(G) must be submitted to designated commission personnel.

(4) Compliance with Specifications or Standards. Each transmission line, main, and service line must be constructed in accordance with written specifications or standards contained in 4 CSR 240-40.030(7)(B) and (8)(A).

(5) Corrosion Control. Written procedures for controlling corrosion in accordance with the operation and maintenance requirements contained in 4 CSR 240-40.030(9) in accordance with 4 CSR 240-40.030(9)(C) must be submitted to designated commission personnel.

(6) Procedural Manual for Operations, Maintenance, and Emergencies. A manual of written procedures for conducting operations and maintenance activities and for emergency response in accordance with 4 CSR 240-40.030(12)(C) must be submitted to designated commission personnel for each pipeline. Transmission lines that are not exempt under 4 CSR 240-40.030(12)(C)3.E. must also submit a manual that includes procedures for handling abnormal operations in accordance with 4 CSR 240-40.030(12)(C)3.

(7) Qualification of Pipeline Personnel. A written operator qualification program for individuals performing covered tasks on a pipeline facility in accordance with 4 CSR 240-40.030(12)(D) must be submitted to designated commission personnel.

(8) Damage Prevention Program. A written program to prevent damage to pipelines by excavation activities in accordance with 4 CSR 240-40.030(12)(I)1. must be submitted to designated commission personnel.

(9) Emergency Plans. Written procedures to minimize the hazard resulting from a gas pipeline emergency in accordance with 4 CSR 240-40.030(12)(J)1. must be submitted to designated commission personnel.

(10) Replacement Programs. Written programs for the replacement of unprotected steel service lines and yard line and cast iron mains and the cathodic protection or replacement of unprotected steel mains in accordance with 240-40.030(15)(B) must be submitted to designated commission personnel.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to

this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.275 Submission Requirements for Gas Utility Depreciation Studies

PURPOSE: This rule sets forth the requirements regarding the submission of depreciation studies by gas utilities.

(1) Each gas utility subject to the commission's jurisdiction shall submit a depreciation study, database and property unit catalog to the manager of the commission's energy department and to the Office of the Public Counsel, as required by the terms of subsection (1)(B).

(A) The depreciation study, database and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;
2. The database shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

- B. Reserve for depreciation;
C. Surviving plant balance as of the study date; and
D. Estimated date of final retirement and surviving dollar investment for each warehouse, propane/air production facility, liquefied natural gas facility, underground natural gas storage facility, general office building or other large structure; and

3. The property unit catalog shall contain a description of each retirement unit used by the utility.

(B) A gas utility shall submit its depreciation study, database and property unit catalog on the following occasions:

1. On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word the, as indicated by the tariffs on file with the commission.

A. The alphabetical categories and submission due dates are as follows:

- (I) A, B, C, D: January 1, 1994;
- (II) E, F, G, H: July 1, 1994;
- (III) I, J, K, L: January 1, 1995;
- (IV) M, N, O, P: July 1, 1995;
- (V) Q, R, S, T: January 1, 1996; and
- (VI) U, V, W, X, Y, Z: July 1, 1996.

B. However—

(I) A gas utility need not submit a depreciation study, database or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (1)(B)1.A.; and

(II) A utility with simultaneous due dates under subparagraph (1)(B)1.A. above and 4 CSR 240-3.175(1)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;

2. Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, database and property unit catalog from the utility.

(2) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

AUTHORITY: section 386.250, RSMo 2000. *Original rule filed Aug. 16, 2002.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.280 Submission Requirements Regarding Gas Utility Written Drug and Alcohol Testing Plans

PURPOSE: This rule prescribes the requirements for submitting drug and alcohol testing plans for natural gas corporations, which are further described in 4 CSR 240-40.080.

(1) Written Drug and Alcohol Testing Plans. A written plan for drug and alcohol testing in accordance with 4 CSR 240-40.080 must be submitted to designated commission personnel.

AUTHORITY: section 386.250, RSMo 2000. *Original rule filed Aug. 16, 2002.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.285 Filing Requirements Regarding Certification of Gas Sellers

PURPOSE: This rule establishes the procedure for certification of gas sellers pursuant to sections 393.297 through 393.301, RSMo.

(1) Each natural gas seller seeking certification shall submit an agreement containing only the following, pursuant to section 393.299, RSMo:

(A) Its agreement to pay all applicable business license taxes, or its proportionate share of the franchise fee or payment in lieu of taxes (PILOT) in each political subdivision in which it sells gas;

(B) A statement that it waives its right to challenge the validity of the agreement;

(C) A statement that it waives its right to the refund of any amounts paid pursuant to the agreement; and

(D) Its agreement to make its records available to the commission and the political subdivision with the right to audit the records.

(2) Each gas seller seeking certification shall also provide the following information to the commission:

(A) Its name, address, telephone number, and the name of a person(s) to contact regarding certification, location of records and business operations in Missouri; and

(B) A list of each political subdivision in which it sells gas.

(3) The application for certification shall be in the form prescribed by the commission.

AUTHORITY: sections 386.250 and 393.299, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.290 Submission Requirements Regarding Gas Utility Incident, Annual and Safety-Related Condition Reports

PURPOSE: This rule prescribes the requirements for submitting incident, annual, and safety-related condition reports, which are further described in 4 CSR 240-40.020.

(1) **Incident Reports.** Incident reports must be submitted to designated commission personnel in accordance with 4 CSR 240-40.020(4)(C), 4 CSR 240-40.020(4)(D)1., 4 CSR 240-40.020(6) and 4 CSR 240-40.020(9).

(2) **Safety-Related Condition Reports.** Safety-related condition reports required by 4 CSR 240-40.020(12) must be submitted to designated commission personnel in accordance with 4 CSR 240-40.020(4)(E) and 4 CSR 240-40.020(13).

(3) **Annual Reports.** Annual reports must be submitted to designated commission personnel in accordance with 4 CSR 240-40.020(4)(D)2., 4 CSR 240-40.020(7) and 4 CSR 240-40.020(10).

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.295 Submission Requirements Regarding Gas Utility Written Procedures for Conversion of Service and Upgrading

PURPOSE: This rule prescribes the requirements for submitting written procedures for conversion of service and uprating of pipelines, which are further described in 4 CSR 240-40.030.

(1) **Conversion to Service.** Conversion of steel pipelines, previously used in service not subject to this rule, for use under this rule must follow written procedures in accordance with 4 CSR 240-40.030(1)(H).

(2) **Uprating.** Written procedures to uprate a segment of pipeline must be established that will ensure compliance with 4 CSR 240-40.030(11) in accordance with 4 CSR 240-40.030(11)(B)3.

(3) **Waivers of Compliance.** Waivers of Compliance from any rules and requirements that are more stringent than the minimum federal requirements must be submitted in accordance with 4 CSR 240-40.030(16).

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.300 Definitions Pertaining Specifically to Sewer Utility Rules

PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.305 through 4 CSR 240-3.340, which are in addition to the definitions set forth in rule 4 CSR 240-3.010 of this chapter.

(1) Outlet means a service sewer connection to the collecting sewer.

(2) Sewer service means the removal and treatment of sewage.

(3) Sewer system includes all pipes, pumps, canals, lagoons, plants, structures and appliances and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the collection, carriage, treatment and disposal of sewage for municipal, domestic or other beneficial or necessary purpose.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and

information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.305 Filing Requirements for Sewer Utility Applications for Certificates of Convenience and Necessity

PURPOSE: Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of convenience and necessity by a sewer company shall include the following information:

(A) If the application is for a service area—

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;

2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;

3. The legal description of the area to be certificated;

4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(C) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(D) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.310 Filing Requirements for Sewer Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets

PURPOSE: Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.315 Filing Requirements for Sewer Utility Applications for Authority to Merge or Consolidate

PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.320 Filing Requirements for Sewer Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness

PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.325 Filing Requirements for Sewer Utility Applications for Authority to Acquire the Stock of a Public Utility

PURPOSE: Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.330 Sewer Utility Small Company Rate Increase Procedure

PURPOSE: This rule provides procedures for small sewer utilities to obtain rate increases.

(1) Notwithstanding any other rule to the contrary, small companies, as defined in this rule, may seek a general increase in revenues through a small company rate case by filing a letter requesting the change. The request shall not be accompanied by any tariff sheets.

For the purpose of this rule, small companies qualifying to use the small company rate case described in this rule shall include sewer utilities having eight thousand (8,000) or fewer customers. The small company rate case shall be conducted as follows:

(A) The original letter requesting the change shall be filed with the secretary of the commission and one (1) copy shall be furnished to the public counsel. The letter shall state the amount of the additional revenue requested, the reason(s) for the proposed change and a statement that all commission annual assessments have been paid in full or are being paid under an installment plan. The letter should also include a statement that the company's current annual report is on file with the commission. The company, in writing, shall notify customers of the request for additional revenue and the effect on the typical residential customer's bill. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within thirty (30) days of the date shown on the notice. A draft copy of the notice shall be sent to the appropriate commission department for verification of the accuracy of the notice before being sent to the company's customers. A copy of the final notice shall then be sent to the appropriate commission department and the public counsel. The commission staff and the public counsel shall exchange copies of customer responses upon their receipt. Upon receipt of the company's request, the commission staff shall schedule an investigation of the company's operations and an audit of its financial records. When the investigation and audit are complete, the commission staff shall notify the company and public counsel whether the requested additional revenue is recommended in whole or in part, of the rate design proposal for the increase, and of any recommended operational changes. If public counsel wishes to conduct an investigation and audit of the company, it must do so within the same time period as staff's investigation and audit;

(B) The commission staff, within twenty-one (21) days from the completion of its investigation, shall arrange a conference with the company and shall notify the public counsel of the conference prior to the conference, in order to provide the public counsel an opportunity to participate;

(C) If the conference between the commission staff, the company and the public counsel results in an agreement concerning additional revenue requirements and any other matters pertaining to the company's operations, including responses to customer concerns, the agreement between the commission staff, the company and the public counsel shall be reduced to writing. The company may then file tariff sheet(s) with an effective date which is not fewer than thirty (30) days after the tariff's issue date and no additional customer notice or local public hearing shall be required, unless otherwise ordered by the commission. The company shall file a copy of the agreement with its tariff;

(D) If the conference results in an agreement between the commission staff and the company only, the company at this time shall file the necessary tariff sheet(s) with the commission in accordance with the agreement. The tariff sheet(s) shall contain an effective date of not fewer than forty-five (45) days from the issue date. The company shall notify customers in writing of the proposed rates resulting from the agreement. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within twenty (20) days of the date shown on the notice. A copy of the notice shall be sent to the secretary of the commission and the public counsel. The commission staff and the public counsel shall exchange copies of the customer responses upon their receipt. The public counsel shall file a pleading indicating its agreement or disagreement with the tariff sheet(s) within twenty-five (25) days of the date the tariff sheet(s) is filed, unless a public hearing is requested;

(E) A request for a local public hearing may be filed after the tariff sheet(s) is filed by the company. The request shall be filed within twenty (20) days of the filing of the tariff sheet(s) by the company. Public counsel shall file a pleading indicating agreement or disagreement with the tariff sheet(s) within seven (7) days after the local public hearing;

(F) An agreement must be reached and tariff sheet(s) filed based upon the agreement within one hundred fifty (150) days from the date the letter initiating the case is filed. This time period may be extended with the consent of the company. Written consent for an extension shall be filed with the company's tariff; and

(G) If no agreement can be reached between the commission staff and the company, the company may initiate a standard rate case.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.335 Annual Report Filing Requirements for Sewer Utilities

PURPOSE: This rule establishes standards for filing annual reports by sewer utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) All sewer utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year.

(2) Sewer utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the secretary of the commission to file that information under seal and state good cause for maintaining the informa-

tion under seal. The secretary of the commission shall then, through the general counsel, present that request to the commission for approval. The secretary of the commission shall inform the utility within three (3) days of the commission decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the secretary of the commission and state the reason for the extension request. The secretary of the commission, through the chief administrative law judge, shall present the report to the commission for approval. The secretary of the commission shall inform the utility in writing within three (3) days of the decision of the commission.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.340 Filing Requirements for Sewer Utility Tariff Schedules

PURPOSE: This rule prescribes the form, contents and procedures for filing tariff schedules by all sewer corporations under the jurisdiction of the Public Service Commission.

(1) Each sewer utility shall have on file with this commission a tariff schedule and all forms of contracts and agreements of whatever nature made by such sewer utility for each and every kind of service which it renders. For purposes of this rule the term tariff schedule shall include: schedules showing all rates and charges; all rules relating to rates, charges of service; all general privileges granted or

allowed; and all maps of the area served or professed to be served and the legal description thereof.

(2) All tariff schedules now on file with the commission, not in accordance with this rule, shall be reissued in the form and manner prescribed and all tariff schedules issued after March 2, 1973 must conform to this rule.

(3) Tariff schedules shall be drawn up substantially in accordance with this commission's Form No. 13 and shall be plainly printed or typewritten on good quality paper of eight and one-half inches by eleven inches (8 1/2" x 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show in the marginal space at top of page the name of the sewer utility issuing, the PSC number of schedule and the number of the page. In the marginal space at bottom of sheet shall be shown the date of issue, the effective date and the name, title and address of the officer by whom the schedule is issued. All tariff schedules shall bear a number with the prefix PSC Mo. No. _____. Tariff schedules for each sewer utility shall be numbered in consecutive serial order beginning with 1. If a tariff schedule or part thereof is canceled, a new schedule or part thereof (sheet(s) if loose-leaf) will refer to the schedule canceled, by its PSC number; thus, the PSC Mo. No. _____ canceling PSC Mo. No. _____.

(4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

(5) Each sewer utility shall keep a copy of its tariff schedule open for public inspection and readily accessible to any member of the public upon demand during business hours at its principal operating office and in each division office which is now or may be established. Any proposed changes in the tariff schedule shall be readily accessible to any member of the public upon demand in the offices of the sewer utility for a period of thirty (30) days prior to the effective date of such change. If, for good cause shown, the commission allows a change without thirty (30) days' notice, the sewer utility shall display such proposed change at its office for the period prescribed by the commission prior to the effective date of the change.

(6) The following shall apply to all sewer utilities operating in the state of Missouri and each utility shall have on file as a part of its tariff schedule, rules which substantially conform thereto:

(A) Each sewer utility shall have on file with the commission rules relating to advance payments and deposits. If a utility requires advance payments for sewer service, it will not be permitted to require the customer to make a deposit to insure payment of bills. If the utility does not require advance payments for sewer service, it may require from any customer at any time a cash deposit, provided that the amount of any such deposit so required shall not exceed the amount due for service for one (1) billing period plus thirty (30) days;

(B) Interest at the rate of six percent (6%) per annum covering the period of the deposit shall be paid by the utility to the customer or applied to the customer's account, upon return of any deposit to the customer or the application of such deposit to the customer's account; provided the cash deposit remains with the utility for a period of at least twelve (12) months;

(C) These provisions shall not apply to any deposits or guarantees made by the customer for the purpose of securing an extension of or additions to a utility's collecting system in accordance with the utility's rules covering the extensions as filed with this commission;

(D) Interest shall not accrue on any cash deposit after the date the utility has made a bona fide effort to return such deposit to the depositor. The utility shall keep in its records evidence of its effort to return such deposit;

(E) Each utility shall issue to every customer from whom a deposit is received, a nonassignable receipt;

(F) Each utility shall maintain accurate records of customer deposits which include the original amount, the date of the deposit and any transaction relating to the deposit or interest on the deposit; and

(G) If a customer requests discontinuance of sewer service to the premises, the utility will refund the unearned portion of any advance payment on a pro rata basis, provided the customer has given proper notice to the utility as required by its rules on file with the Public Service Commission.

(7) Each sewer utility shall file with the commission a sample of each type of customer bill form used by the utility, which shall provide for inclusion of the gross and/or net amount of the bill and the date by which the customer must pay the bill in order to benefit from any discount or to avoid any penalty. The utility shall specify its billing period, which shall in no case exceed a period of six (6) months.

(8) Each utility shall specify the conditions under which it may discontinue service to a customer, which conditions may include, but not necessarily be limited to, nonpayment for services rendered in accordance with the tariff schedule on file for the utility with this commission and noncompliance with the utility's rules filed with the commission.

(9) Each utility shall include in its rules that prior to physical discontinuance of service, the utility will mail at least thirty (30) days' written notice to the customers by certified mail return receipt requested and a copy of the written notice will be forwarded to this commission. The written notice shall state the violation and service may be discontinued at any time after the expiration of the specified period, provided satisfactory arrangements for continuance of the service have not been made. The requirement of a thirty (30)-day written notice prior to discontinuance of service may be waived where discharge of materials which might be detrimental to the public health and safety or cause damage to the sewer system of the utility are discovered. In the event of discontinuance of service for this reason, the customer and the commission shall be notified of such discontinuance immediately with a statement concerning the reasons for discontinuance.

(10) Each sewer utility shall include in its tariff schedule a statement of the practices and policies of the utility governing extension of its collecting system to provide service to prospective customers.

(11) Each utility shall specify the conditions under which it may refuse to provide service to an applicant, which conditions may include, but shall not be necessarily limited to, noncompliance with the utility's rules as filed with this commission, rules of this commission or local governmental regulations. If the utility refuses to serve an applicant under the provisions of this rule or any other rule, the utility shall inform the applicant in writing of the basis for its refusal and the applicant may appeal to the commission for a ruling.

(12) The utility shall physically inspect all service sewer connections to its system. The applicant for service shall provide adequate advance notice to the utility to facilitate the inspection.

(13) Each sewer utility shall also have on file as a part of its tariff schedule, rules applicable to, but not limited to, the following items: applications for service; availability of service; interruption of service; and right of access to customer's premises.

(14) All proposed changes in rates, charges or rentals or in rules that affect rates, charges or rentals filed with the commission shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection

and reproduction during regular office hours at the general business office of the utility.

(15) Thirty (30) days' notice to the commission is required as to every publication relating to sewer rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(16) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which such schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In such cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which the schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.400 Filing Requirements for Steam Heating Utility Applications for Certificates of Convenience and Necessity

PURPOSE: Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements of this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of convenience and necessity shall include the following information:

(A) If the application is for a service area—

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;

2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;

3. The legal description of the area to be certificated;

4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) If the application is for electrical transmission lines or electrical production facilities—

1. A description of the route of construction and a list of all electric and telephone lines of regulated and nonregulated utilities, railroad tracks or any underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;

2. The plans and specifications for the complete construction project and estimated cost of the construction project or a statement of the reasons the information is currently unavailable and a date when it will be furnished; and

3. Plans for financing;

(C) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(D) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(E) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to

this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.405 Filing Requirements for Steam Heating Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets

PURPOSE: Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest; and

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.410 Filing Requirements for Steam Heating Utility Applications for Authority to Merge or Consolidate

PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest; and

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.415 Filing Requirements for Steam Heating Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness

PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and
2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.420 Filing Requirements for Steam Heating Utility Applications for Authority to Acquire the Stock of a Public Utility

PURPOSE: Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.425 Filing Requirements for Steam Heating Utility Rate Schedules

PURPOSE: This rule prescribes the form and governs the filing and publication of rate schedules of steam heating utilities regulated by the Public Service Commission.

(1) Every steam heating company engaged in manufacturing and distributing and selling, or distribution or distributing steam for motive power, heating, cooking or for any public use or service, is directed not later than October 15, 1913, to have on file with this commission, and keep open for public inspection, schedules showing all rates and charges in connection with such service of whatever nature made by such steam heating companies for each and every kind of service which it renders as were in force on April 15, 1913, together with proper supplements covering all changes in the rate schedules authorized by this commission, if any, since April 15, 1913.

(2) All rate schedules on file on October 15, 1913, with the commission, not in accordance with these rules, shall be issued in the form and manner prescribed by this rule and all rate schedules issued after October 15, 1913, must conform to this rule.

(3) Rate schedules shall be drawn up substantially in accordance with PSC Form No. 16 and shall be plainly printed or typewritten on good quality of paper of size eight and one-half inches by eleven inches (8

1/2" × 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show, in the marginal space at top of page, the name of the heating company, the PSC number of the schedule and the number of the page. In the marginal space at the bottom of the sheet shall be shown the date of issue, effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo. Schedules shall be numbered in consecutive serial order beginning with number 1 for each steam heating company. If a schedule or a part is canceled, a new schedule or part (sheet(s) if loose-leaf) will refer to the schedule canceled by its PSC number; thus, PSC Mo. No. canceling PSC Mo. No.

(4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

(5) Thirty (30) days' notice to the commission is required as to every publication relating to steam heating rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(6) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which such schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In such cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which such schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

AUTHORITY: sections 386.250, 393.140 and 393.290, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may

be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.435 Annual Report Filing Requirements for Steam Heating Utilities

PURPOSE: This rule establishes standards for filing annual reports by steam heating utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) For the purposes of improving the efficiency of administration and operation, any heating company, unless otherwise ordered, may keep upon its books any temporary or experimental accounts and any accounts covering particular divisions of its operations, provided that in respect of each such temporary, experimental or divisional account the heating company shall file with the Public Service Commission, at least ten (10) days in advance of the time when the account is to be instituted, a statement showing the name of the account, the date when it is to be instituted, the purpose for which it is to be kept, the period of time during which it is to be kept and a clear and accurate definition of the classes of items and facts to be contained on the account and in case of a divisional account, the definition of the division covered. Upon compliance with the provisions of this section, any account herein prescribed or defined may be subdivided.

(2) All notices required to be filed with the commission concerning accounts shall be upon sheets eight and one-half inches by eleven inches (8 1/2" × 11") in size and shall be entitled with the name of the heating company filing notices, followed by a brief statement of the character of the accounts covered by the notice.

(3) Annual reports for all heating companies subject to regulations by this commission shall be filed with the commission on or before April 15 following the year for which the report is made.

AUTHORITY: sections 386.250, 393.140 and 393.290, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may

appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.500 Definitions Pertaining Specifically to Telecommunication Company Rules

PURPOSE: This rule sets forth the definitions of certain terms used in rules 4 CSR 240-3.505 through 4 CSR 240-3.555, which are in addition to the definitions set forth in rule 4 CSR 240-3.010 of this chapter.

- (1) Access line means the line associated with each service location to which a unique telephone number is assigned.
- (2) Base rate area means an area within an exchange as specified in the telecommunications company's tariffs and maps, within which each grade or class of basic local telecommunications service is furnished at a uniform rate without the application of mileage or zone charges.
- (3) Basic local telecommunications service means basic local telecommunications service as defined in section 386.020(4), RSMo.
- (4) Calls means a customer's attempted telecommunications transmissions whether completed or not.
- (5) Central office means the facility housing one (1) or more switching units in a telecommunications system which provides service to the general public and has the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.
- (6) Channel means a path for telecommunications between two (2) or more stations or central offices, furnished in any manner the carrier may elect.
- (7) Exchange means exchange as defined in section 386.020(16), RSMo.
- (8) Grade of service means the number of customers or parties that a telephone line is designed to serve, such as one (1)-party, two (2)-party or four (4)-party.
- (9) Line is a general term used in the telecommunications industry in several different senses, the most common of which are access line, trunk, channel and route.
- (10) New customer means any customer who has no prior service history with the telecommunications company with whom service is being requested.
- (11) Pay telephone means a coin or non-coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or a billing to an alternate number.
- (12) Pay telephone service provider means a telecommunications company that offers access to telephone service with a coin or non-

coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or billed to an alternate number.

(13) Regrade means a change to a different grade of basic local telecommunications service.

(14) Service bureau means the designated office, or location where trouble reports and/or service orders are worked and dispatched.

(15) Surveillance level means a level at or below which telephone service is inferior and will require the telecommunications company providing that service to take immediate action to investigate and correct.

(16) Switching is a generic term for machines that switch telephone calls from/to other telephones or trunks.

(17) Tandem means a central office where trunks are interconnected to transmit telecommunications traffic between other central offices.

(18) Telecommunications service means telecommunications service as defined in section 386.020(53), RSMo.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.505 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Customer-Owned Coin Telephone Service

PURPOSE: Applications to the commission requesting that the commission grant a certificate for providing interexchange service

authority for customer-owned coin telephone service must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of interexchange service authority to provide customer-owned coin telephone (COCT) service shall be filed on the form provided by the commission.

(A) Applications for COCT service shall include a description of the general area in which service is to be offered.

(B) Providers of COCT service shall be exempt from the provisions of sections 392.390(1) and (3), RSMo, but shall remain subject to the provisions of section 386.370, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.510 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange

PURPOSE: Applications to the commission requesting that the commission grant a certificate for providing telecommunications services, whether interexchange, local exchange or basic local exchange services, must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of service authority to provide telecommunications services, whether interexchange, local exchange or basic local exchange, shall include:

(A) A request to be classified as a competitive telecommunications company, if applicable, and a description of the types of service the applicant intends to provide;

(B) If the application is for basic local exchange service authority, the applicant shall indicate the exchange(s) in which service is to be offered; and

(C) A proposed tariff with an effective date which is not fewer than forty-five (45) days after the tariff's issue date.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.515 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Shared Tenant Services

PURPOSE: Applications to the commission requesting that the commission grant a certificate of service authority to provide shared tenant services must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of service authority to provide shared tenant services (STS) shall be filed on the form provided by the commission.

(A) STS applications shall include:

1. A description of all telecommunications services to be offered at the certificated location;

2. A description of any non-telecommunications services to be offered at the certificated location;

3. A copy of the contract or contracts to be used with tenants at the certificated location;

4. A copy of the contract or contracts to be signed with the local exchange company (LEC);

5. A description of the type of STS technology to be used at the certificated location;

6. A description of the form of interconnection to be used to provide toll services to tenants at the certificated location;

7. A copy of the notice used to inform tenants that local exchange access line service may not be immediately available if STS is terminated at the certificated location;

8. A statement of the rates to be charged tenants at the certificated location; and

9. A statement of the total number of tenants and corresponding stations to be served at the certificated location.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.520 Filing Requirements for Telecommunications Company Applications for Authority to Sell, Assign, Lease or Transfer Assets

PURPOSE: Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth

in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) Competitive telecommunications companies are exempt from subsections (2)(A)–(E) of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.

(2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of the resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(3) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(4) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.525 Filing Requirements for Telecommunications Company Applications for Authority to Merge or Consolidate

PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) Competitive telecommunications companies are exempt from subsections (2)(A)–(E) of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.

(2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities or equipment of the companies involved are located.

(3) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(4) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and

information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.530 Filing Requirements for Telecommunications Company Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness

PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

- (1) Competitive telecommunications companies are exempt from subsections (2)(C)–(G) of this rule.
- (2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:
 - (A) A brief description of the securities which applicant desires to issue;
 - (B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;
 - (C) Copies of executed instruments defining the terms of the proposed securities—
 - 1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;
 - 2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and
 - 3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;
 - (D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;
 - (E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—
 - 1. Bonded and other indebtedness; and
 - 2. Stock authorized and outstanding;
 - (F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and
 - (G) A five (5)-year capitalization expenditure schedule as required by section 392.310, RSMo.
- (2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.535 Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility

PURPOSE: Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

- (1) Competitive telecommunications companies are exempt from the provisions of this rule; however, they must file a pleading indicating which company will be holding the certificate of service authority and providing service to Missouri customers, and the tariff under which service will be provided.
- (2) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:
 - (A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;
 - (B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and
 - (C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.
- (3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.540 Annual Report Filing Requirements for Telecommunications Companies

PURPOSE: This rule establishes standards for filing annual reports by telecommunications companies subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) All telecommunications utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year, except for private pay telephone providers which are exempted under the provisions of 4 CSR 240-3.505(1)(B).

(2) Telecommunications utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(A) Annual reports submitted by providers of shared tenant services (STS) shall include a list of all premises at which STS services are provided, and a list of all STS-related complaints received from tenants, including a summary of the nature of each such complaint, and a list of case numbers for any formal complaints filed with the commission.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the secretary of the commission to file that information under seal and state good cause for maintaining the information under seal. The secretary of the commission shall then, through the general counsel, present that request to the commission for approval. The secretary of the commission shall inform the utility

within three (3) days of the commission decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the secretary of the commission and state the reason for the extension request. The secretary of the commission, through the chief administrative law judge, shall present the report to the commission for approval. The secretary of the commission shall inform the utility in writing within three (3) days of the decision of the commission.

AUTHORITY: sections 386.250 and 392.210, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.545 Filing Requirements for Telecommunications Company Rate Schedules

PURPOSE: This rule prescribes the form and procedures for filing and publishing schedules of rates of all telephone corporations under the jurisdiction of the Public Service Commission.

(1) Every telephone corporation as defined in section 386.020, RSMo engaged in business in this state, is directed and required not later than September 15, 1913, to have on file with the Public Service Commission (PSC) schedules of all rates, rentals and charges of whatever nature made by the telephone corporation for each kind of service which it renders which were in force on April 15, 1913, together with proper supplements covering all changes in rate schedules authorized by this commission, if any, since April 15, 1913.

(2) Every telephone corporation is directed on and after September 15, 1913, to publish all of its schedules of rates for local service and all of its schedules of rates for long distance service as these schedules have been established and filed with this commission as follows:

(A) To keep all of its schedules established and filed with this commission in its main or principal operating office and in each division office which is now or may be established;

(B) To keep at each of its branch business offices where contracts for service are made or payment for subscribers' service is received, copies of all its established schedules of rates which apply within the area served by any such office and which apply from any point within in the area to any point without the area;

(C) In every exchange area where no such business branch office is maintained, to keep at its central operating office or in a suitable place fixed by the company, and notify the public by sign or placard conspicuously posted, copies of all of its established schedules of rates which apply within the area served by any such telephone exchange and which apply from any point within the area to any point in each exchange adjacent area; and

(D) That these schedules shall be at all times during office hours readily accessible to the public and upon the demand of any person shall be immediately produced for inspection. The production for inspection shall be accompanied by such assistance on the part of the proper representative of the telephone company having the schedules as to enable the person examining the schedules to determine accurately the rate, rental or charge applicable to any particular kind of telephone service. That in case any person shall apply at a central operating office, personally or by telephone, for information as to any specified toll or long distance rate, a correct statement of the rate shall be procured by the chief operator and furnished without telephone charge.

(3) All schedules of rates, rentals and charges or rules relating and applying to communication by telephone, or for service rendered in connection with communication by telephone, and subject to the jurisdiction of this commission and which are lawfully on file with the commission and in force April 15, 1913, will be considered as continuing in force and may be amended in the manner provided in this rule.

(4) All rate schedules for local service and all individual and joint schedules for long distance service on file with this commission and in effect April 15, 1913, not in accord with this rule shall be reprinted in the manner prescribed by this rule and filed on or before September 15, 1913. Any new rate schedules issued after April 15, 1913, must conform to this rule or they will be subject to rejection by the commission when tendered for filing. The commission reserves the right to direct the reprinting of any schedule at any time.

(5) All schedules shall bear a number with the following prefix: PSC Mo. _____. Rate schedules shall be numbered in consecutive serial order, commencing with a No. 1 for each telephone corporation (for example, the first schedule PSC Mo. No. 1). The prefix and number shall be printed on schedules as provided in section (11) of this rule. For convenience, the prefix is referred to as PSC.

(6) Joint schedules are schedules designed to contain joint rates and the term joint rate as used in this rule is construed to mean a rate made by contract, agreement or arrangement between two (2) or more telephone corporations and applying in both directions over the toll lines owned or controlled by these telephone corporations. Joint schedules apply to communication by telephone between localities on the toll lines of more than one (1) telephone corporation or between localities upon the toll lines owned, operated or leased by the same telephone corporation, when communication between these localities involves the use of the toll line(s) of one (1) or more other telephone corporations which participate in the charges for this communication.

(7) Individual schedules of the telephone corporation are schedules designed to contain rates, rentals and other charges for any kind of long distance or toll service (other than for service covered by joint rates) when the service is rendered entirely by the particular telephone corporation which issues the schedule. Individual schedules must include all such long distance rates as may be made by the issuing corporation over its owned or controlled toll lines. As distinguished from joint schedules, individual schedules apply to all communication by telephone over the lines of the issuing telephone corporation and to instrumentalities and facilities furnished in connection with the communication by telephone.

(8) It is the general practice of telephone corporations to classify the service rendered by them under two (2) general headings, "local service" and "long distance service." "Local service" covers service classifications, rates, rentals or charges applying to communication or for instrumentalities and facilities furnished. It also covers rules governing and relating to conditions of contract for any form of telephone service within a local service area established with reference to a particular central station or group of central stations. "Long distance service" covers service classifications, rates, charges, rules applying to communication by telephone between subscribers' stations or public or semi-public pay stations located in one (1) local service area and subscribers' stations or public or semi-public pay stations located in another local service area of the same or another telephone corporation.

(9) All schedules should be on good serviceable quality of paper and if, in the discretion of the commission, the volume of a schedule justifies, the schedule shall not be accepted for filing until printed.

(10) All rate schedules filed with the commission must be in book, sheet or pamphlet form and of size eight and one-half inches by eleven inches (8 1/2" x 11"). A loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf. When a loose-leaf plan is used, all sheets except title page must show in the marginal space at top of the page or sheet, the name of the corporation issuing, the PSC number of the schedule, the number of the page or sheet, the date of issue and effective date, and name, title and address of officer by whom the schedule is issued.

(11) The title page or sheet, if loose-leaf, of every rate schedule shall show—

(A) The full corporate name of the issuing telephone corporation;

(B) The PSC number of the schedule in bold type in the center of marginal space at top of the page and immediately under in small type, the PSC number(s) of the schedule canceled thereby. Separate serial PSC numbers may, if desired, be used for local and long distance schedules;

(C) The title page or sheet also should show whether it is for local or long distance and whether it is joint or individual;

(D) A brief description of the service areas from and to or within which the schedule applies;

(E) When a schedule of rates is governed by a general publication, reference to the governing schedule by its PSC number must be given. The following phraseology, as the case may be, will be used: "Governed except as otherwise provided herein by schedule PSC Mo. No. _____, which schedule, supplements thereto or superseding issues thereof, is hereby made a part of this schedule"; or "Governed except as otherwise provided herein by schedule PSC Mo. No. _____, which schedule revised and added pages or sheets, or superseding issues thereof, is hereby made a part of this schedule." A rate publication so referred to must be on file with the commission and be kept at every place where the schedule making the reference is to be kept for public inspection;

(F) The Date of Issue and the Effective Date. If the schedule or any portion is made to expire on a specified date, the following

clause must be used: "expires _____, unless sooner canceled, changed or extended";

(G) On every schedule supplement or a revised or added sheet, issued on less than thirty (30) days' notice by permission of the commission, the following notation must be shown: "Issued on _____ days' notice to the public and the commission under special permission of the Public Service Commission of Missouri, No. _____, of date _____. If issued in compliance with an order of the commission, the following notation must be shown: "Issued on _____ days' notice to the public and the commission under order of the Public Service Commission of Missouri, of date _____, in Case No. _____. When issued by authority of this rule, the notation must be that required by the rule granting the permission;

(H) On the upper left-hand corner of schedules of less than three (3) pages and on schedules issued in loose-leaf form, the words: "No supplement to this schedule will be issued except for the purpose of canceling this schedule" shall be shown. On schedules, not in loose-leaf form, of three (3) or more pages: "Only one supplement to this schedule will be in effect at any time," shall be shown; and

(I) The name, title and address of officer by whom schedule is issued.

(12) Schedules shall contain, in the order named:

(A) Table of Contents. A full and complete statement, in alphabetic order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a schedule contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted;

(B) The name of the issuing telephone corporation, including those for which the corporation acts under power of attorney or concurrence and the names of all telephone corporations participating under such authorities, both alphabetically arranged. If there are not more than ten (10) participating corporations, their names may be shown on the title page of the schedule. The record of the power of attorney or concurrence by which each telephone corporation is made party to the schedule must be shown;

(C) In local rate schedules, there shall be an alphabetical index of the central stations in the service area to which the schedule applies; and alphabetically arranged following the name of each central station or under the names of all the localities served;

(D) In individual or joint long distance schedules, there shall be an alphabetical list of localities from which rates and charges apply and of the localities to which rates and charges apply;

(E) Whenever a schedule has an application which includes localities situated outside of Missouri, the abbreviation for the name of the state in which they are situated must be shown in connection with the name of each locality;

(F) If the number of localities covered by a local rate schedule or the number of points in a long distance schedule is small and, if practicable, they may be listed on the title page of the schedule sheet;

(G) If a long distance schedule is arranged by groups (this term includes block basis or other service area description) of from or to localities, the indices must show for each locality a proper group designation;

(H) When in a long distance schedule the from and to localities are shown throughout the rate table in continuous alphabetical order or are shown by groups alphabetically arranged, no index of from or to localities will be required; but when that alphabetical arrangement in a rate table is used, the table of contents shall indicate the pages upon which the localities are shown;

(I) If a long distance schedule is so constructed as to state rates by groups and also states specific rates to or from specified localities, it shall contain an alphabetical listing of the localities in the groups or give reference to the PSC number, if issued, which contains the listing of the group localities;

(J) A group description may be used to designate localities to or from which rates named in long distance schedules apply, provided a

complete list of those localities, arranged by groups, is printed in the schedule or specific reference is given to the PSC number or issue which contains such a list. In this list all of the localities in groups named in the schedule shall be arranged alphabetically showing opposite each locality, by an index reference, its group location, the name(s) of the telephone lines upon which located and the name of the central station(s) through which the locality is served; and, a complete list of those localities arranged by group description and alphabetically for each group;

(K) An explanation of reference marks, technical abbreviations and definitions of terms commonly used in the schedule, except that a special rule applying to a particular rate, rental or charge shall be shown in connection with and on the same page with the rate, rental or charge. The explanatory statement must be made in clear and explicit terms regarding the rates, rentals, charges and rules contained in the schedule as may be necessary to remove all doubt as to their proper application;

(L) The rules which govern the schedule, the title of each rule to be shown in bold type. Under this heading the rules or conditions which in any way affect the rentals, rates or charges named in the schedule, shall be entered, except that a special rule applying to a particular rate, rental or charge shall be shown in connection with and on the same page or sheet with the rate, rental or charge. No rule shall be included which in any way or in any terms authorizes substituting for any rate, rental or charge named in the schedule a rate, rental or charge found in any other schedule or made by any combination or plan other than that clearly stated in specific terms in the schedule of which the rule is a part. These rules shall include the general rules governing conditions for any form of contract for telephone service, all privileges or facilities granted or allowed or for which charge is made, which may in anywise change, affect or determine any or the aggregate of the rates, rentals or charges for the service rendered;

(M) A telephone corporation may publish under a PSC number and file a schedule publication designed for use as a governing schedule in connection with a schedule of rates, and the governing schedule may be made a part of the schedules of rates by specific reference as provided in subsection (11)(E). When the publication is to be used in connection with long distance schedules, it may contain a list of localities, excess time charge tables and rules generally governing the schedules. When it is to be used in connection with a local rate schedule, it may contain an alphabetically arranged list showing localities served by the issuing telephone corporation, and opposite each locality its central station designation, and an alphabetical order list showing the names of all central stations separately and under the locality for each such central station the names of all localities to which the designation applies, arranged in alphabetical order. It also may contain schedules of rentals, rates and charges applying to the furnishing of instrumentalities, facilities and service, as the case may be, for attachments, auxiliary lines and stations, commuted messages, equipment for stations, private and leased lines and wires, extension stations, interior systems, listings, mileage of all kinds, pole line construction, fixed period talking circuits, etc., together with rules generally governing and relating to conditions of contract for any form of telephone service; and

(N) The rates, rentals and charges shall be explicitly stated in cents, or in dollars and cents, per stated period of time or per service, specifying the kind and character of service. In local schedules, the limits of the area to which each rate, rental or charge applies must be shown. When in a local schedule the limits of any such service area include localities outside the service area to which the schedule applies, the names of such other localities must be given or if all such localities are shown in a separate locality list, be referring thereto, giving the PSC number of schedule containing any such list.

(13) Schedules containing essential joint toll rates or charges participated in by telephone corporations not subject to the supervision of this commission must be issued by telephone corporations subject to

such supervision and the telephone corporations which are not so subject shown in the schedule under proper authorities issued and on file with the commission as required by this rule.

(14) If a schedule or supplement to a schedule is issued which conflicts with a part of another schedule or supplement to a schedule which is in force at the time, and which is not canceled in full, it shall specifically state the portion of that schedule which is canceled and the schedule, at the same time, shall be correspondingly amended, effective on the same date, in the regular way; and the supplement to the amended schedule shall be filed at the same time and in connection with the schedule which contains the new rates, rentals or charges.

(15) If a schedule is canceled with the purpose of canceling entirely the rates, rentals or charges named, or when through error or omission a later issue failed to cancel the previous issue and a schedule is canceled for the purpose of perfecting the record, the cancellation notice must not be given a new PSC number, but must be issued as a supplement to the schedule which it cancels, even though that schedule may at the time have a supplement in effect.

(16) If a schedule or part of a schedule is canceled, the cancellation notice shall make specific reference to the PSC number of the schedule in which the rates, rentals or charges will be found; or if no rates, rentals or charges are in effect, it shall so state. Cancellation of a schedule also cancels a supplement to that schedule, if any is in effect. If a schedule is canceled by a similar schedule to take its place, the cancellation notice must not be given by supplement, but by notice printed in a new schedule, as provided in section (12) of this rule.

(17) A change in a schedule shall be known as an amendment and, excepting amendments to schedules issued in loose-leaf form, shall be printed in a supplement to the schedule which it amends, specifying the schedule by its PSC number. The supplement shall be reissued each time an amendment is made and shall always contain all the amendments to the schedule that are in force. Supplements to schedules shall be numbered consecutively as supplements to the schedule and shall not be given new or separate PSC numbers. An amended item must always be printed in a supplement in its entirety as amended.

(18) A supplement to a joint schedule shall contain either a list of the telephone corporations participating or shall state that the list of participating telephone corporations is "as shown in schedules" or "as shown in schedule except (here show alphabetically all additions to and eliminations from the original list that are effected by the supplement or that have been effected by previous supplements)."

(19) A schedule which contains reissued items brought forward from a previous issue which has not been in effect thirty (30) days, or a supplement which brings forward reissued items without change from a former supplement or schedule, must bear the notation "Effective _____, except as noted in individual items." Example: "Issued, _____ 20____; effective, _____ 20____, except as noted in individual items." Reissued items brought forward without change must show in a conspicuous form and a convenient manner the following: "Reissue (in black face type): effective (date upon which it became effective) in PSC _____ Mo. _____ No.____"; or "in supplement No. _____ to PSC Mo. _____ No. _____. When the reissued item became effective in a former supplement to the same schedule, the PSC number may be omitted, but the supplement number must be given.

(20) Except as otherwise provided in this rule, there shall at no time be more than one (1) supplement in effect to any schedule, and the effective supplement to a schedule of twenty (20) or more pages may not contain more than twenty percent (20%) of the number of pages

or sheets in the schedule, including the title page. A supplement to a schedule of less than twenty (20) pages or ten (10) sheets may not contain more than four (4) pages or two (2) sheets, including the title page. All changes in and additions to schedules issued in loose-leaf form must be made by reprinting both pages of the leaf or sheet upon which the change is made. When no change or addition is made on one (1) of the pages reprinted it must bear notation "No change in this page." These pages or sheets must not be given supplement numbers, but must be designated "First revised page or sheet _____," "Second revised page or sheet _____," etc., must show the name of the issuing corporation and the PSC number of the schedule, the issued and effective dates and name, title and address of officer by whom issued.

(21) If a schedule is filed on statutory notice canceling another schedule, and after the filing and prior to the effective date of the new schedule a supplement to the schedule to be canceled should be lawfully issued, the rates, rentals or charges in that supplement could not continue in effect for the thirty (30) days required by law because the cancellation of the schedule also cancels the supplement to it. In such a case the supplement containing changes not included in the schedule that is to become effective may be issued as a supplement both to the schedule in effect and to the schedule on file that will effect such a cancellation and be given both PSC numbers. In other words, such an issue must be a supplement to each of the schedules and copies must be filed accordingly. A supplement issued under this section containing reissued items shall note in connection with each such item, in addition to the effective date as required by the rule, that the reissued items expire on the date at which the new schedule becomes effective and that the new schedule will apply in lieu of the reissued items; and the reissued items must not be brought forward in a subsequent supplement to the new schedule. Such a supplement may not contain any changes except those lawfully made by a supplement to the schedule which is to be canceled by the schedule that has been filed and that is also supplemented; and no other kind of supplement to a schedule that is on file and not yet effective may be made effective within thirty (30) days from the effective date of the schedule without special permission. The provisions of section (12) as to the number of supplements to a schedule that may be in effect at any time and the volume of supplemental matter they may contain, need not be observed in connection with a supplement issued under this section.

(22) In case of a change of ownership and operation of any telephone corporation's property or of the telephone corporation in possession and operating the property, the telephone corporation taking over the operation of the telephone line, if the existing rates would otherwise remain legally effective, shall issue immediately and file with the commission, with PSC number, an adoption notice, substantially as follows: "The (name of telephone corporation) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed by it, all schedules, rules, notices, concurrences, schedule agreements, divisions, authorities or other instruments whatsoever, filed with the Public Service Commission, State of Missouri, by the (name of telephone corporation) prior to (date) the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above schedules, etc., which (name of telephone corporation) has heretofore filed with said commission. This notice may be made effective as of the date it is filed with the commission." In the event that the successor corporation does not intend to adopt some of these schedules, rates, rules, notices, concurrences, traffic agreements, divisions, authorities or other instruments, the notice shall specify those which are not adopted and the successor corporation as to these exceptions shall give the cancellation or withdrawal notice provided in these rules. The adoption notice shall stand and be effective as to all of the local issues of the predecessor telephone corporation. This paragraph applies to the taking over of part of a telephone corporation's property as well as

to the entire property. In case of a receivership, the receiver shall be deemed as continuing in force the individual schedules and rules of the charge, but as to joint schedules, joint rules and joint business with other telephone corporations, the receiver must file with the required adoption notice, any exceptions specified.

(23) Schedules and supplements shall be filed with the commission by a proper officer of the telephone corporation designated to perform that duty and concurrences of every other telephone corporation participating in joint schedules and supplements must be on file with the commission or accompany the schedule or supplement.

(24) Schedules issued by a telephone corporation under its PSC numbers may include, under proper concurrences shown in the schedules, rates or charges applying over a long distance line to or from localities on other telephone corporations' lines and concurring telephone corporations may use these schedules for public inspection. These schedules must be filed by the issuing telephone corporation and the filing will constitute filing for all lawfully concurring telephone corporations, having record of the concurrence on file with this commission. A telephone corporation issuing a joint publication shall at once send copies to each and every telephone corporation party.

(25) All changes in rates, charges or rentals or in rules that affect rates, charges or rentals, shall be filed with the commission at least thirty (30) days before the date upon which they are to become effective. The title page of every rate schedule or supplement and the reissue of any page or sheet must show thirty (30) days' notice except as otherwise provided in this rule. The proposed changes shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary also shall be served on the public counsel and be available for public inspection and reproduction during regular office hours at a public business office of the utility in each exchange or group of exchanges affected by the proposed change.

(26) Each telephone corporation subject to the supervision of this commission has the duty of filing with the commission all of its rate schedules and supplements to the rate schedules, under penalty for failure to do so. The commission will give all consistent assistance as it can in this respect, but the fact that receipt of a rate schedule or supplement to a rate schedule is acknowledged by the commission or the fact that a rate schedule or supplement to a rate schedule is in the files of the commission, will not serve or operate to excuse the telephone corporation for responsibility or liability for any violation of the law or of any ruling lawfully made which may have occurred in connection with the construction or filing of the rate schedule or supplement.

(27) Thirty (30) days' notice to the commission required as to every publication relating to telephone rates or service, except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(28) Except as is otherwise provided in this rule, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which the schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and for which the commission is not given the statutory notice, it is as if it had not been issued, and full statutory notice must be given of any reissue. No consideration will be given to telegraphic notices in computing the thirty (30) days' notice required. In those cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made

which takes into account any time elapsing between the date upon which the schedule or supplement was received and the date of attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, regulation or permission granted by the commission will be exacted.

(29) When a schedule is rejected by the commission as unlawful, the records will show and the schedule should not be referred to as canceled, amended or otherwise, except to note on publication issued in lieu of the rejected schedule "In lieu of _____, rejected by commission"; nor shall the number which it bears be used again.

(30) Rates, charges or rentals or rules relating to, prescribed by the commission in its decisions and orders, after hearings upon formal complaints, shall in every instance be promulgated by the telephone corporation against which these orders are entered, in duly published and filed rate schedules, supplements to these or revised pages or sheets of schedules, and notice shall be sent to the commission that its order in Case No. _____, has been complied with in item _____ page _____ of schedule PSC _____ Mo. _____ No. _____; or supplement _____ to schedule PSC Mo. _____ No. _____; or reissued page or sheet No. _____ to schedule PSC _____ Mo. _____ No. _____.

(31) Schedules and supplements shall be filed in numerical order of PSC numbers so far as practicable. If in any instance the foregoing is not observed as required by these rules, a memorandum must accompany the schedule to file with the commission explaining omission of missing number(s).

(32) Telephone corporations are directed to transmit one (1) copy of each rate schedule, supplement or other charges, rentals or regulations for the use of the commission. Schedules sent for filing must be addressed to Public Service Commission, PO Box 360, Jefferson City, MO 65102.

(33) Concurrence may be given by a telephone corporation to embrace all forms of joint schedules issued by another telephone corporation in which the concurring telephone corporation is shown as a participating, originating, intermediate or terminal corporation, after the following form:

BEFORE THE PUBLIC
SERVICE COMMISSION
OF THE STATE OF MISSOURI

(Name of telephone corporation in full)

(Date)

This is to certify that the (name of telephone corporation) assents to and concurs in the publication and filing of any joint schedule or supplement thereto which the (name of telephone corporation) may make and file in which it is shown as a participating corporation, and hereby makes itself a party to and bound thereby insofar as such schedule contains joint rates or charges or governing regulations applying to communication by telephone in any way involving use of its toll line or lines (see note 2), until this authority is revoked by formal and official notice of revocation placed in the hands of the Public Service Commission of Missouri, and of the telephone corporation to which this concurrence is given.

(Name of telephone corporation)

By _____
(Name of officer)

(Title of officer)

The telephone corporation issuing this form shall file the original with the commission and shall furnish a duplicate to the telephone corporation to which the concurrence is given.

(34) Each telephone corporation shall give authorizations and concurrences serial numbers, beginning with No. 1 in each series, as indicated by forms and continuing in consecutive numbers as to each series, and keeping these numbers separate and apart from PSC numbers of rate schedules. A concurrence may be revoked by filing notice of such revocation with the commission and serving the same upon the telephone corporation to which the concurrence was given. The notice must specify the date upon which revocation is to be made effective and must give at least sixty (60) days' notice to the commission and to the telephone corporation to which concurrence was given. Corresponding correction of a schedule(s) shall be made by amending or reissuing the schedule(s), making the change lawfully effective on statutory notice upon the effective date stated in the notice of revocation. The granting of authority to issue tariffs under power of attorney or concurrence does not relieve the telephone corporation conferring the authority from the necessity of complying with the requirement for keeping the schedules open to public inspection. It must use the schedules issued under its authority for that purpose.

(35) All schedules filed with the commission shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

AUTHORITY: sections 386.250 and 392.220, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.550 Telecommunications Company Records and Reports

PURPOSE: This rule prescribes the type, location and retention of records, and reports on telecommunications service.

(1) This rule does not apply to private shared tenant service providers or private pay telephone service providers.

(2) Each telecommunications company shall make and maintain records of its operations in sufficient detail to permit review of those operations. These records shall be retained in an easily accessible place for a period of at least three (3) years. These records shall be made available upon request to the commission or its authorized representatives. These records shall include all reports filed with the commission, together with the information necessary to verify each report.

(3) All records required by this rule shall be made available for review within the state at any time upon request. Reasonable time, not to exceed thirty (30) days, will be permitted to assemble and deliver records to the location where they are to be reviewed.

(4) For companies providing basic local telecommunications service, the records specified in section (2) above shall include the following:

(A) Each company shall record each application for basic local telecommunications service or regrade of service; and

(B) Each company shall keep a record, by exchange, of each held application for basic local telecommunications service and for each application for regrade that is not satisfied within thirty (30) days. The record will list the name and address of each applicant for service or regrade, whether the applicant's location is inside or outside the base rate area, the date of application, the date service is requested to begin, the date service was promised to begin, the class and grade of service applied for and the reason for the delay in providing the requested service.

(5) Companies shall file the following information with the commission:

(A) Each company providing basic local telecommunications service shall file with the commission no later than forty-five (45) days following the end of each quarter a report, referred to as the quarterly report, of the quality of the telephone service provided to its customers. The quarterly report shall include:

1. The aggregated service level for each aspect of service quality for which there has been established a service objective in 4 CSR 240-32.080, together with such other information concerning service quality that the company deems applicable or the commission specifically requests. Those levels shall represent an average of the measurements taken throughout the reporting period. If the reported service level in any separately measured exchange, business office or service bureau does not meet the surveillance level, the company shall list each such exchange, business office or service bureau and its service level;

2. The number of applications held for both basic local telecommunications service and for regrade of service. Those numbers will be kept distinct from one another. The listing shall categorize the number held for thirty (30), sixty (60), ninety (90) and one hundred twenty (120) days; and

3. The number of applications listed pursuant to subsection (4)(B) above, by exchange, and the number of such applications that were satisfied during that quarter;

(B) Each company shall have its tariff on file with the commission in accordance with 4 CSR 240-30.010;

(C) Each company providing basic local telecommunications service shall have on file with the commission an exchange boundary map for each of its exchanges within the state. Each map shall clearly show the boundary lines of the area in which the company accepts responsibility for providing such service. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall contain both detail and reasonable and readable scale. Competitive local exchange companies may submit a tariff sheet adopting the tariff map on file with the commission for a specific exchange served by the incumbent local exchange provider. The exchange maps shall be available for public inspection at each public business office for the area served by the office. Each company filing an original or revised map shall submit proof of notice of the proposed boundary to any other company adjoining the area in which a boundary line is to be established or changed;

(D) Each company shall advise the commission's customer services department of abnormal service conditions by telephone or facsimile. Abnormal conditions include any tandem outage, central office or exchange isolation, cable cut, or central office problem that involves three hundred (300) or more customers and lasts thirty (30) minutes or more or any other service condition the company wishes to bring to the attention of the customer services department; and

(E) Each company shall make and file with the commission a disaster recovery plan, which shall be reviewed by the company at least annually and modified as necessary. Any modifications shall be submitted as amendments.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.555 Telecommunications Company Residential Customer Inquiries

PURPOSE: This rule establishes procedures to be followed when residential customers make inquiries of telecommunications companies so that such inquiries are handled in a reasonable manner.

(1) A telecommunications company shall adopt procedures which will ensure the prompt and thorough receipt, investigation and, where possible, resolution of inquiries. The telecommunications company, upon request, shall submit the procedures to the commission and the telecommunications company shall notify the commission of any substantive changes in these procedures prior to their implementation.

(2) A telecommunications company shall prepare a statement which in layman's terms describes the rights and responsibilities of both the telecommunications company and its customers under this chapter. This statement shall appear in the front part of the telephone directory or the telecommunications company will mail or otherwise deliver such statement to its existing and new customers. If multiple telecommunications companies are represented in a directory, and each has identical statements of rights and responsibilities, the information need only appear once. Upon request the statement shall be submitted to the commission, its staff, or Office of the Public Counsel. The statement shall include descriptions of:

- (A) Billing procedures;
- (B) Customer payment requirements and procedures;
- (C) Deposit and guarantee requirements;
- (D) Conditions of termination, discontinuance and reconnection of service;
- (E) Procedures for handling inquiries;
- (F) A procedure whereby a customer may avoid discontinuance of service during a period of absence;
- (G) Complaint procedures under 4 CSR 240-2.070;
- (H) The telephone number and address of all offices of the Missouri Public Service Commission and the statement that this company is regulated by the Missouri Public Service Commission; and
- (I) The address and telephone number of the Office of the Public Counsel and a statement of the function of that office.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A

public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.600 Filing Requirements for Water Utility Applications for Certificates of Convenience and Necessity

PURPOSE: Applications to the commission requesting that the commission grant a certificate of convenience and necessity must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for a certificate of convenience and necessity by a water company shall include the following information:

(A) If the application is for a service area—

1. A statement as to the same or similar utility service, regulated and nonregulated, available in the area requested;
2. If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;
3. The legal description of the area to be certificated;
4. A plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and
5. A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operations;

(B) When no evidence of approval of the affected governmental bodies is necessary, a statement to that effect;

(C) When approval of the affected governmental bodies is required, evidence must be provided as follows:

1. When consent or franchise by a city or county is required, approval shall be shown by a certified copy of the document granting the consent or franchise, or an affidavit of the applicant that consent has been acquired; and

2. A certified copy of the required approval of other governmental agencies; and

(D) The facts showing that the granting of the application is required by the public convenience and necessity.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.605 Filing Requirements for Water Utility Applications for Authority to Sell, Assign, Lease or Transfer Assets

PURPOSE: Applications to the commission for the authority to sell, assign, lease or transfer assets must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to sell, assign, lease or transfer assets shall include:

(A) A brief description of the property involved in the transaction, including any franchises, permits, operating rights or certificates of convenience and necessity;

(B) A copy of the contract or agreement of sale;

(C) The verification of proper authority by the person signing the application or a certified copy of resolution of the board of directors of each applicant authorizing the proposed action;

(D) The reasons the proposed sale of the assets is not detrimental to the public interest;

(E) If the purchaser is subject to the jurisdiction of the commission, a balance sheet and income statement with adjustments showing the results of the acquisitions of the property; and

(F) A statement of the impact, if any, the sale, assignment, lease or transfer of assets will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the companies involved in that sale are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.610 Filing Requirements for Water Utility Applications for Authority to Merge or Consolidate

PURPOSE: Applications to the commission for the authority to merge or consolidate must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to merge or consolidate shall include:

(A) A copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction;

(B) A certified copy of the resolution of the board of directors of each applicant authorizing the proposed merger and consolidation;

(C) The balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation;

(D) The reasons the proposed merger is not detrimental to the public interest;

(E) An estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question; and

(F) A statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any

structures, facilities or equipment of the companies involved are located.

(2) If the purchaser is not subject to the jurisdiction of the commission, but will be subject to the commission's jurisdiction after the sale, the purchaser must comply with these rules.

(3) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.615 Filing Requirements for Water Utility Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness

PURPOSE: Applications to the commission for the authority to issue stock, bonds, notes or other evidences of indebtedness must meet the requirements set forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to issue stock, bonds, notes and other evidences of indebtedness shall contain the following:

(A) A brief description of the securities which applicant desires to issue;

(B) A statement of the purpose for which the securities are to be issued and the use of the proceeds;

(C) Copies of executed instruments defining the terms of the proposed securities—

1. If these instruments have been previously filed with the commission, a reference to the case number in which the instruments were furnished;

2. If these instruments have not been executed at the time of filing, a statement of the general terms and conditions to be contained in the instruments which are proposed to be executed; and

3. If none of these instruments is either executed or to be executed, a statement of how the securities are to be sold;

(D) A certified copy of resolutions of the directors of applicant authorizing the issuance of the securities;

(E) A balance sheet and income statement with adjustments showing the effects of the issuance of the proposed securities upon—

1. Bonded and other indebtedness; and

2. Stock authorized and outstanding;

(F) A statement of what portion of the issue is subject to the fee schedule in section 386.300, RSMo; and

(G) A five (5)-year capitalization expenditure schedule as required by section 393.200, RSMo.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. *Original rule filed Aug. 16, 2002.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.620 Filing Requirements for Water Utility Applications for Authority to Acquire the Stock of a Public Utility

PURPOSE: Applications to the commission for the authority to acquire the stock of a public utility must meet the requirements set

forth in this rule. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for authority to acquire the stock of a public utility shall include:

(A) A statement of the offer to purchase stock of the public utility or a copy of any agreement entered with shareholders to purchase stock;

(B) A certified copy of the resolution of the directors of applicant authorizing the acquisition of the stock; and

(C) Reasons why the proposed acquisition of the stock of the public utility is not detrimental to the public interest.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: section 386.250, RSMo 2000. *Original rule filed Aug. 16, 2002.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.625 Filing Requirements for Applications for Approval of Water Service Territorial Agreements

PURPOSE: This rule establishes requirements that applications to the commission for approval of territorial agreements between water service providers must meet. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1) and 4 CSR 240-3.630.

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission approval of territorial agreements between water service providers shall include:

- (A) A copy of the territorial agreement and a specific designation of the boundary, including legal description;
- (B) An illustrative tariff which reflects any changes in a regulated utility's operations or certification;
- (C) An explanation as to why the territorial agreement is in the public interest;
- (D) A list of all persons whose utility service would be changed by the agreement; and
- (E) A check for the initial filing fee set forth in 4 CSR 240-3.630.

(2) If any of the items required by subsections (1)(A)–(D) of this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

AUTHORITY: sections 247.172 and 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.630 Schedule of Fees Applicable to Applications for Approval of Water Service Territorial Agreements and Petitions for Designation of Water Service Areas

PURPOSE: This rule establishes a schedule of fees for commission review of proposed territorial agreements and petitions for commission designation of water service areas between water service providers.

(1) Commission review of an application for a proposed territorial agreement or a petition for commission designation of water service

areas between water service providers shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).

(2) In addition to the filing fee, the fee for commission review of an application for approval of a proposed territorial agreement between water service providers or a petition for commission designation of water service areas is set at six hundred eighty-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.

(3) The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the water service territorial agreement or designation of water service area. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for the payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.

(4) An application for commission review of proposed amendment(s) to an existing territorial agreement between water service providers shall not be subject to the fee of five hundred dollars (\$500) specified in section (1) of this rule. However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (2) of this rule.

(5) On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.

AUTHORITY: sections 247.172 and 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.635 Water Utility Small Company Rate Increase Procedure

PURPOSE: This rule provides procedures for small water utilities to obtain rate increases.

(1) Notwithstanding any other rule to the contrary, small companies, as defined in this rule, may seek a general increase in revenues through a small company rate case by filing a letter requesting the change. The request shall not be accompanied by any tariff sheets. For the purpose of this rule, small companies qualifying to use the small company rate case described in this rule shall include water utilities having eight thousand (8,000) or fewer customers. The small company rate case shall be conducted as follows:

(A) The original letter requesting the change shall be filed with the secretary of the commission and one (1) copy shall be furnished to the public counsel. The letter shall state the amount of the additional revenue requested, the reason(s) for the proposed change and a statement that all commission annual assessments have been paid in full or are being paid under an installment plan. The letter should also include a statement that the company's current annual report is on file with the commission. The company, in writing, shall notify customers of the request for additional revenue and the effect on the typical residential customer's bill. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within thirty (30) days of the date shown on the notice. A draft copy of the notice shall be sent to the appropriate commission department for verification of the accuracy of the notice before being sent to the company's customers. A copy of the final notice shall then be sent to the appropriate commission department and the public counsel. The commission staff and the public counsel shall exchange copies of customer responses upon their receipt. Upon receipt of the company's request, the commission staff shall schedule an investigation of the company's operations and an audit of its financial records. When the investigation and audit are complete, the commission staff shall notify the company and public counsel whether the requested additional revenue is recommended in whole or in part, of the rate design proposal for the increase, and of any recommended operational changes. If public counsel wishes to conduct an investigation and audit of the company, it must do so within the same time period as staff's investigation and audit;

(B) The commission staff, within twenty-one (21) days from the completion of its investigation, shall arrange a conference with the company and shall notify the public counsel of the conference prior to the conference, in order to provide the public counsel an opportunity to participate;

(C) If the conference between the commission staff, the company and the public counsel results in an agreement concerning additional revenue requirements and any other matters pertaining to the company's operations, including responses to customer concerns, the agreement between the commission staff, the company and the public counsel shall be reduced to writing. The company may then file tariff sheet(s) with an effective date which is not fewer than thirty (30) days after the tariff's issue date and no additional customer notice or local public hearing shall be required, unless otherwise ordered by the commission. The company shall file a copy of the agreement with its tariff;

(D) If the conference results in an agreement between the commission staff and the company only, the company at this time shall file the necessary tariff sheet(s) with the commission in accordance with the agreement. The tariff sheet(s) shall contain an effective date of not fewer than forty-five (45) days from the issue date. The company shall notify customers in writing of the proposed rates resulting

from the agreement. The notice shall indicate that customers' responses may be sent to the appropriate commission department or the public counsel within twenty (20) days of the date shown on the notice. A copy of the notice shall be sent to the secretary of the commission and the public counsel. The commission staff and the public counsel shall exchange copies of the customer responses upon their receipt. The public counsel shall file a pleading indicating its agreement or disagreement with the tariff sheet(s) within twenty-five (25) days of the date the tariff sheet(s) is filed, unless a public hearing is requested;

(E) A request for a local public hearing may be filed after the tariff sheet(s) is filed by the company. The request shall be filed within twenty (20) days of the filing of the tariff sheet(s) by the company. Public counsel shall file a pleading indicating agreement or disagreement with the tariff sheet(s) within seven (7) days after the local public hearing;

(F) An agreement must be reached and tariff sheet(s) filed based upon the agreement within one hundred fifty (150) days from the date the letter initiating the case is filed. This time period may be extended with the consent of the company. Written consent for an extension shall be filed with the company's tariff; and

(G) If no agreement can be reached between the commission staff and the company, the company may initiate a standard rate case.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.640 Annual Report Filing Requirements for Water Utilities

PURPOSE: This rule establishes standards for filing annual reports by water utilities subject to the jurisdiction of the Missouri Public Service Commission, including procedures for filing annual report information under seal.

(1) All water utilities subject to the jurisdiction of the Missouri Public Service Commission shall file an annual report with the commission on or before April 15 of each year.

(2) Water utilities shall file their annual reports on either a form provided by the commission or on a computer-generated replica which is acceptable to the commission. All requested information shall be included in the annual report where applicable.

(3) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the secretary of the commission to file that information under seal and state good cause for maintaining the information under seal. The secretary of the commission shall then, through the general counsel, present that request to the commission for approval. The secretary of the commission shall inform the utility within three (3) days of the commission's decision whether the request has been granted.

(4) A utility which is unable to meet the filing date established in section (1) of this rule shall make a written request to extend the filing date for its annual report to the secretary of the commission and state the reason for the extension request. The secretary of the commission, through the chief administrative law judge, shall present the report to the commission for approval. The secretary of the commission shall inform the utility in writing within three (3) days of the decision of the commission.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

PROPOSED RULE

4 CSR 240-3.645 Filing Requirements for Water Utility Rate Schedules

PURPOSE: This rule prescribes the form and procedures for filing and publishing schedules of rates of all water utilities under the jurisdiction of the Public Service Commission.

(1) Every water corporation engaged in the furnishing or distribution of water for domestic or other beneficial use in the state of Missouri is directed not later than October 15, 1913, to have on file with this commission and keep open for public inspection, schedules showing all rates and charges in connection with the service or whatever nature made by these water corporations for each and every kind of service which it renders as were in force on April 15, 1913, together with proper supplements covering all changes in the rate schedules authorized by this commission, if any, since April 15, 1913.

(2) All the rate schedules now on file with the commission not in accordance with these rules shall be issued in the form and manner prescribed by this rule and all rate schedules issued after April 15, 1913, must conform to this rule.

(3) Rate schedules shall be drawn up substantially in accordance with Form No. 13 and shall be plainly printed or typewritten on good quality of paper of size eight and one-half inches by eleven inches (8 1/2" × 11") in book, sheet or pamphlet form. A loose-leaf plan may be used so changes can be made by reprinting and inserting a single leaf. When the loose-leaf plan is used, all sheets, except the title page sheet, must show in the marginal space at top of page the name of the water corporation issuing, the PSC number of the schedule and the number of the page. In the marginal space at bottom of the sheet, should be shown: the date of issue, the effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo. _____. Schedules shall be numbered in consecutive serial order beginning with number 1 for each water corporation. If a schedule or part thereof is cancelled, a new schedule or part thereof (sheet or sheets if loose-leaf) will refer to the schedule cancelled by its PSC number; thus, PSC Mo. No. _____ cancelling PSC Mo. No. _____.

(4) Each schedule shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, which shall be prepared consistent with the format designated by the commission.

(5) All proposed changes in rates, charges or rentals or in rules that affect rates, charges or rentals, filed with the commission shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection and reproduction during regular office hours at the general business office of the utility.

(6) Thirty (30) days' notice to the commission is required as to every publication relating to water rates or service except where publications are made effective on less than statutory notice by permission, regulation or requirement of the commission.

(7) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which such schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. No consideration will be given to telegraphic notices in computing the required thirty (30) days' notice. In such cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date

upon which such schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements or notice named in any order, regulation or permission granted by the commission will be exacted.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 10—Utilities

PROPOSED RESCISSION

4 CSR 240-10.070 Minimum Filing Requirements for General Rate Increase Requests. This rule prescribed the information that must be filed by all electric utilities, all large local exchange telecommunications companies, all large gas, water and sewer utilities and all steam heating utilities when filing for a general company-wide increase in rates.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: sections 392.210, RSMo Supp. 1987, 392.220, RSMo Supp. 1991 and 393.140, RSMo 1986. Original rule filed Feb. 4, 1993, effective Oct. 10, 1993. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 10—Utilities

PROPOSED RESCISSION

4 CSR 240-10.080 Annual Report Filing Requirements. This rule established standards for filing annual reports by utilities subject to the jurisdiction of the commission, including procedures for filing annual report information under seal.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: sections 392.210 and 393.140, RSMo 1994. Original rule filed March 19, 1996, effective Oct. 30, 1996. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor

Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather. The commission is proposing to modify the Purpose section of the rule by adding a reference to other applicable commission rules and to delete section (12) from the rule, which is the last section of the rule and deleting the form following the rule from the *Code of State Regulations*.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this rule are being adopted in various rules of the commission's new Chapter 3.

PURPOSE: This rule protects the health and safety of residential customers receiving heat-related utility service by placing restrictions on discontinuing and refusing to provide heat-related utility service from November 1 through March 31 due to delinquent accounts of those customers. Reporting requirements regarding heat-related utility service are found at 4 CSR 240-3.175 for electric utilities and at 4 CSR 240-3.250 for gas utilities.

I(12) Each utility providing heat-related utility service shall submit a report to the consumer services department of the commission for each calendar month no later than the twentieth day of the following month. The utility shall provide a copy of each report to the office of the public counsel. The report shall include the information listed below for each operational district into which the utility has divided its Missouri service territory. Utilities providing both electric and gas service shall report the information separately for their gas-only territory:

(A) The number of days on which discontinuance of service was not prohibited by the cold weather rule's daily temperature moratorium (4 CSR 240-13.055(4));

(B) The utility shall report the following information for all residential customers and state separately the information for those on whose behalf the utility has received notice of qualification for publicly funded energy assistance:

1. The number of residential customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055(8);

2. The number of residential customers whose heat-related utility service was discontinued due to failure to make timely payments under a section (8) agreement;

3. The total amount due and owing from residential customers whose utility service was discontinued due to failure to make timely payments under a section (8) agreement;

4. The number of residential customers whose heat-related utility service was involuntarily discontinued and who were not participants in a section (8) payment agreement; and

5. The total amount due and owing from residential customers whose heat-related utility service was involuntarily discontinued and who were not participants in a section (8) payment agreement.]

AUTHORITY: sections 386.250, 393.130 and 393.140, RSMo [1994] 2000. Original rule filed June 13, 1984, effective Nov. 15, 1984. Amended: Filed Dec. 30, 1992, effective Oct. 10, 1993. Amended: Filed March 10, 1995, effective Jan. 30, 1996. Emergency amendment filed Nov. 8, 2001, effective Nov. 18, 2001, expired March 31, 2002. Amended: Filed Aug. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 14—Utility Promotional Practices

PROPOSED RESCISSION

4 CSR 240-14.040 Filing of Promotional Practices. This rule prescribed the filing requirements for present, proposed or revised promotional practices.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: sections 386.040, 386.610 and 393.140, RSMo 1986 and 386.250, RSMo Supp. 1991. Original rule filed June 28, 1971, effective July 8, 1971. Amended: Filed Sept. 15, 1972, effective Sept. 25, 1972. Amended: Filed June 12, 1992, effective May 6, 1993. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities

PROPOSED RESCISSION

4 CSR 240-20.010 Rate Schedules. This rule prescribed the form and procedures for filing and publishing schedules of rates of all electrical corporations under the jurisdiction of the Public Service Commission.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 393.140, RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 16, 1977, effective Dec. 11, 1977. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original

and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities

PROPOSED AMENDMENT

4 CSR 240-20.030 Uniform System of Accounts—Electrical Corporations. The commission is proposing to amend the Purpose section of the rule by adding a reference to other applicable commission rules, to delete section (5) from the rule and to renumber the remaining sections accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this rule are being adopted in the various rules of the commission's new Chapter 3.

PURPOSE: This rule directs electrical corporations within the commission's jurisdiction to use the uniform system of accounts prescribed by the Federal Energy Regulatory Commission for major electric utilities and licensees, as modified [here, to file annual reports, and to submit a revised depreciation study, data base and property unit catalog at least every five years.] herein. Requirements regarding the submission of depreciation studies, databases and property unit catalogs are found at 4 CSR 240-3.160 and 4 CSR 240-3.175.

I(5) Each electrical corporation subject to the commission's jurisdiction shall submit a depreciation study, data base and property unit catalog to the manager of the commission's energy department and to the Office of the Public Counsel, as required by the terms of subsection (5)(B).

(A) The depreciation study, data base and property unit catalog shall be compiled as follows:

1. The study shall reflect the average life and remaining life of each primary plant account or subaccount;

2. The data base shall consist of dollar amounts, by plant account or subaccount, representing—

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, electric generating facility, combustion turbine, general office building or other large structure; and

3. The property unit catalog shall contain a description of each retirement unit used by the company.

(B) An electrical corporation shall submit its depreciation study, data base and property unit catalog on the following occasions:

1. On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word the, as indicated by the tariffs on file with the commission.

A. The alphabetical categories and submission due dates are as follows:

- (I) A, B, C, D: January 1, 1994;
- (II) E, F, G, H: July 1, 1994;
- (III) I, J, K, L: January 1, 1995;
- (IV) M, N, O, P: July 1, 1995;
- (V) Q, R, S, T: January 1, 1996; and
- (VI) U, V, W, X, Y, Z: July 1, 1996.

B. However—

(I) An electrical corporation need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (5)(B)1.A.; and

(II) A utility with simultaneous due dates under 4 CSR 240-20.030(5)(B)1. and 4 CSR 240-40.040(5)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;

2. When the utility files its tariff(s) with the commission proposing a general rate increase, as that term is used in the commission's rules pertaining to minimum filing requirements. However, an electrical corporation need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase; or

3. Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, data base and property unit catalog from the utility.]

/(6) (5) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

AUTHORITY: sections 386.250 and 393.140, RSMo [1994] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed Feb. 5, 1993, effective Oct. 10, 1993. Amended: Filed March 19, 1996, effective Oct. 30, 1996. Amended: Filed Aug. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commis-

sion's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities

PROPOSED AMENDMENT

4 CSR 240-20.060 Cogeneration. The commission is proposing to amend the Purpose section of the rule by adding a reference to other applicable commission rules, to delete sections (3) and (10) from the rule and to renumber the remaining sections and related references within the rule accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this rule are being adopted in the various rules of the commission's new Chapter 3.

PURPOSE: This rule implements sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 with regard to small power production and cogeneration. The objective of sections 201 and 210 of Public Utility Regulatory Policies Act is to provide a mechanism to set up a cogeneration program for Missouri for regulated utilities. Additional requirements regarding this subject matter are also found at 4 CSR 240-3.155.

/(3) Availability of Electric Utility System Cost Data.

(A) All regulated electric utilities shall—

1. File tariffs providing standardized rates for facilities at or under one hundred (100) kilowatts on design capacity. The tariffs are to take account of the stochastic effect achieved by the aggregate output of dispersed small systems, that is, statistically a dispersed array of facilities may produce a level of reliability not enjoyed by any one (1) of the units taken separately. When that aggregate capacity value which allows the utility to avoid a capacity cost occurs and can be reasonably estimated, a corresponding credit must be included in the standard rates. The tariffs should take into account patterns of availability of particular energy sources such as the benefits to a summer peaking utility from photovoltaic systems or to a winter peaking utility for wind facilities;

2. Submit a standard form contract for facilities over one hundred (100) kilowatts as the basis for tariffs for these facilities. Issues such as avoided costs, losses, reliability and ability to schedule are to be considered in the contract; and

3. Submitted to the commission all tariffs and other data required to be prepared and filed by electric utilities under the provisions of subsection (3)(A) no later than September 15, 1981, and updated and revised on or before January 15, 1983 and not less than every two (2) years after that, unless otherwise ordered by the commission.

(B) General Rule. To make available data from which avoided costs may be derived, not later than September 15, 1981 and updated and revised on or before January 15, 1983, and not less than every two (2) years after that, unless otherwise ordered by the commission, each regulated electric utility shall provide to the PSC and shall maintain for public inspection the following data:

1. The estimated avoided cost on the electric utility's system, solely with respect to the energy component, for various levels of purchases from qualifying facilities. These levels of purchases shall be stated in blocks of not more than one hundred (100) megawatts for systems with peak demand of one thousand (1000) megawatts or more, and in blocks equivalent to not more than ten percent (10%) of the system peak demand for systems of less than one thousand (1000) megawatts. The avoided costs shall be stated on a cents per kilowatt-hour basis, during daily and seasonal peak and off-peak periods, by year, for the current calendar year and each of the next five (5) years;

2. The electric utility's plans for the addition of capacity by amount and type, for purchases of firm energy and capacity and for capacity retirements for each year during the succeeding ten (10) years; and

3. The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt and the associated energy costs of each unit, expressed in cents per kilowatt hour. These costs shall be expressed in terms of individual generating units and of individual planned firm purchases.

(C) Special Rule for Small Electric Utilities.

1. Each electric utility (other than any electric utility to which subparagraph (3)(C)1.B. applies) upon request shall—

A. Provide comparable data to that required under subsection (3)(B) to enable qualifying facilities to estimate the electric utility's avoided costs for periods described in subsection (3)(B); or

B. With regard to an electric utility which is legally obligated to obtain all its requirements for electric energy and capacity from another electric utility, provide the data of its supplying utility and the rates at which it currently purchases the energy and capacity.

2. If any such electric utility fails to provide this information on request, the qualifying facility may apply to the Public Service Commission for an order requiring that the information be provided.

(D) PSC Review.

1. Any data submitted by an electric utility under this section shall be subject to review by the PSC.

2. In any such review, the electric utility has the burden of coming forward with justification for its data.)

(4)(3) Electric Utility Obligations Under This Rule.

(A) Obligation to Purchase From Qualifying Facilities. Each electric utility shall purchase, in accordance with section (4)(4), any energy and capacity which is made available from a qualifying facility—

- 1. Directly to the electric utility; or*
- 2. Indirectly to the electric utility in accordance with subsection (4)(3)(D) of this rule.*

(B) Obligation to Sell to Qualifying Facilities. Each electric utility shall sell to any qualifying facility, in accordance with section (4)(5) of this rule, any energy and capacity requested by the qualifying facility.

(C) Obligation to Interconnect.

1. Subject to paragraph (4)(3)(C)2. of this rule, any electric utility shall make interconnections with any qualifying facility as may be necessary to accomplish purchases or sales under this rule. The

obligation to pay for any interconnection costs shall be determined in accordance with section (7)(6) of this rule.

2. No electric utility is required to interconnect with any qualifying facility if, solely by reason of purchases or sales over the interconnection, the electric utility would become subject to regulation as a public utility under Part II of the Federal Power Act.

(D) Transmission to Other Electric Utilities. If a qualifying facility agrees, an electric utility which would otherwise be obligated to purchase energy or capacity from a qualifying facility may transmit the energy or capacity to any other electric utility. Any electric utility to which energy or capacity is transmitted shall purchase energy or capacity under this subsection (4)(3)(D) as if the qualifying facility were supplying energy or capacity directly to the electric utility. The rate for purchase by the electric utility to which such energy is transmitted shall be adjusted up or down to reflect line losses pursuant to paragraph (5)(4)(E)4. of this rule and shall not include any charges for transmission.

(E) Parallel Operation. Each electric utility shall offer to operate in parallel with a qualifying facility, provided that the qualifying facility complies with any applicable standards established in accordance with section (9)(8) of this rule.

(5)(4) Rates for Purchases.

(A) Rates for purchases shall be just and reasonable to the electric consumer of the electric utility and in the public interest and shall not discriminate against qualifying cogeneration and small power production facilities. Nothing in this rule requires any electric utility to pay more than the avoided costs for purchases.

(B) Relationship to Avoided Costs.

1. For purposes of this section, new capacity means any purchase from capacity of a qualifying facility, construction of which was commenced on or after November 9, 1978.

2. Subject to paragraph (5)(4)(B)3. of this rule, a rate for purchases satisfies the requirements of subsection (5)(4)(A) of this rule if the rate equals the avoided costs determined after consideration of the factors set forth in subsection (5)(4)(E) of this rule.

3. A rate for purchases (other than from new capacity) may be less than the avoided cost if the PSC determines that a lower rate is consistent with subsection (5)(4)(A) of this rule and is sufficient to encourage cogeneration and small power production.

4. Rates for purchases from new capacity shall be in accordance with paragraph (5)(4)(B)2. of this rule, regardless of whether the electric utility making the purchases is simultaneously making sales to the qualifying facility.

5. In the case in which the rates for purchases are based upon estimates of avoided costs over the specific term of the contract or other legally enforceable obligation, the rates for the purchases do not violate this paragraph if the rates for the purchases differ from avoided costs at the time of delivery.

(C) Standard Rates for Purchases.

1. There shall be put into effect (with respect to each electric utility) standard rates for purchases from qualifying facilities with a design capacity of one hundred (100) kilowatts or less.

2. There may be put into effect standard rates for purchases from qualifying facilities with a design capacity of more than one hundred (100) kilowatts.

3. The standard rates for purchases under this subsection shall be consistent with subsections (5)(4)(A) and (E) of this rule, and may differentiate among qualifying facilities using various technologies on the basis of the supply characteristics of the different technologies.

(D) Purchases as Available or Pursuant to a Legally Enforceable Obligation. Each qualifying facility shall have the option either—

- 1. To provide energy as the qualifying facility determines this energy to be available for the purchases, in which case the rates for the purchases shall be based on the purchasing utility's avoided costs calculated at the time of delivery; or*

2. To provide energy or capacity pursuant to a legally enforceable obligation for the delivery of energy or capacity over a specified term, in which case the rates for the purchases, at the option of the qualifying facility exercised prior to the beginning of the specified term, shall be based on either the avoided costs calculated at the time of delivery or the avoided costs calculated at the time the obligation is incurred.

(E) Factors Affecting Rates for Purchases. In determining avoided costs, the following factors, to the extent practicable, shall be taken into account:

1. The data provided pursuant to *section (3) of this rule* 4 CSR 240-3.155, including PSC review of any such data;

2. The availability of capacity or energy from a qualifying facility during the system daily and seasonal peak periods, including:

A. The ability of the utility to dispatch the qualifying facility;

B. The expected or demonstrated reliability of the qualifying facility;

C. The terms of any contract or other legally enforceable obligation, including the duration of the obligation, termination notice requirement and sanctions for noncompliance;

D. The extent to which scheduled outages of the qualifying facility can be usefully coordinated with scheduled outages of the utility's facilities;

E. The usefulness of energy and the capacity supplied from a qualifying facility during system emergencies, including its ability to separate its load from its generation;

F. The individual and aggregate value of energy and capacity from qualifying facilities on the electric utility's system; and

G. The smaller capacity increments and the shorter lead times available with additions of capacity from qualifying facilities;

3. The relationship of the availability of energy or capacity from the qualifying facility as derived in paragraph *(5)(4)(E)2.* of this rule, to the ability of the electric utility to avoid costs, including the deferral of capacity additions and the reduction of oil use; and

4. The costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from a qualifying facility, if the purchasing electric utility generated an equivalent amount of energy itself or purchased an equivalent amount of electric energy or capacity.

(F) Periods During Which Purchases not Required.

1. Any electric utility which gives notice pursuant to paragraph *(5)(4)(F)2.* of this rule will not be required to purchase electric energy or capacity during any period which, due to operational circumstances, purchases from qualifying facilities will result in costs greater than those which the utility would incur if it did not make the purchases, but instead generated an equivalent amount of energy itself.

2. Any electric utility seeking to invoke paragraph *(5)(4)(F)1.* of this rule must notify, in accordance with applicable state law or rule, each affected qualifying facility in time for the qualifying facility to cease the delivery of energy or capacity to the electric utility.

3. Any electric utility which fails to comply with the provisions of paragraph *(5)(4)(F)2.* of this rule will be required to pay the same rate for the purchase of energy or capacity as would be required had the period described in paragraph *(5)(4)(F)1.* of this rule not occurred.

4. A claim by an electric utility that this period has occurred or will occur is subject to verification by the PSC as the PSC determines necessary or appropriate, either before or after the occurrence.

(6)(5) Rates for Sales.

(A) Rates for sales shall be just and reasonable and in the public interest and shall not discriminate against any qualifying facility in comparison to rates for sales to other customers served by the electric utility. Rates for sales which are based on accurate data and consistent system-wide costing principles shall not be considered to discriminate against any qualifying facility to the extent that those rates

apply to the utility's other customers with similar load or other cost-related characteristics.

(B) Additional Services to be Provided to Qualifying Facilities.

1. Upon request of a qualifying facility, each electric utility shall provide supplementary power, back-up power, maintenance power and interruptible power.

2. The PSC may waive any requirement of paragraph *(6)(5)(B)1.* of this rule if, after notice in the area served by the electric utility and after opportunity for public comment, the electric utility demonstrates and the PSC finds that compliance with that requirement will impair the electric utility's ability to render adequate service to its customers or place an undue burden on the electric utility.

(C) Rates for Sale of Back-Up and Maintenance Power. The rate for sales of back-up power or maintenance power—

1. Shall not be based upon an assumption (unless supported by factual data) that forced outages or other reductions in electric output by all qualifying facilities on an electric utility's system will occur simultaneously or during the system peak or both; and

2. Shall take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities.

(7)(6) Interconnection Costs.

(A) If the utility and the qualifying facility cannot reach agreement as to the amount or the manner of payment of the interconnection costs to be paid by the qualifying facility, the PSC, after hearing, shall assess against the qualifying facility those interconnection costs to be paid to the utility, on a nondiscriminatory basis with respect to other customers with similar load characteristics or shall determine the manner of payments of the interconnection costs, which may include reimbursement over a reasonable period of time, or both. In determining the terms of any reimbursement over a period of time, the commission shall provide for adequate carrying charges associated with the utility's investment and security to insure total reimbursement of the utility's incurred costs, if it deems necessary.

(8)(7) System Emergencies.

(A) Qualifying Facility Obligation to Provide Power During System Emergencies. A qualifying facility shall be required to provide energy or capacity to an electric utility during a system emergency only to the extent provided by agreement between the qualifying facility and electric utility or ordered under *Section 202(c)* of the Federal Power Act.

(B) Discontinuance of Purchases and Sales During System Emergencies. During any system emergency, an electric utility may discontinue purchases from a qualifying facility if those purchases would contribute to the emergency and sales to a qualifying facility, provided that discontinuance is on a nondiscriminatory basis.

(9)(8) Standards for Operating Reliability. The PSC may establish reasonable standards to ensure system safety and reliability of interconnected operations. Those standards may be recommended by any electric utility, any qualifying facility or any other person. If the PSC establishes standards, it shall specify the need for the standards on the basis of system safety and reliability.

(10) Implementation of Certain Reporting Requirements. Any electric utility which fails to comply with the requirements of subsection *(3)(B)* shall be subject to the same penalties to which it may be subjected for failure to comply with the requirements of the FERC's regulations issued under Section 133 of PURPA.]

(11)(9) Exemption to Qualifying Facilities From the Public Utility Holding Company Act and Certain State Law and Rules.

(A) Applicability. This section applies to qualifying cogeneration facilities and qualifying small power production facilities which have

a power production capacity which does not exceed thirty (30) megawatts and to any qualifying small power production facility with a power production capacity over thirty (30) megawatts if that facility produces electric energy solely by the use of biomass as a primary energy source.

(B) A qualifying facility described in subsection (1)(A) shall not be considered to be an electric utility company as defined in /S/section 2(a)(3) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79b(a)(3).

(C) Any qualifying facility shall be exempted (except as otherwise provided) from Missouri PSC law or rule respecting the rates of electric utilities and the financial and organizational regulation of electric utilities. A qualifying facility may not be exempted from Missouri PSC law and rule implementing /S/subpart C of PURPA.

AUTHORITY: sections 386.250 and 393.140, RSMo [1986] 2000. Original rule filed Oct. 14, 1980, effective May 15, 1981. Amended: Filed Aug. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT **Division 240—Public Service Commission** **Chapter 20—Electric Utilities**

PROPOSED AMENDMENT

4 CSR 240-20.070 Decommissioning Trust Funds. The commission is proposing to amend the Purpose section of the rule by adding a reference to other applicable commission rules, to delete sections (5), (6), (9) and (10) from the rule and to renumber the remaining sections accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this

rule are being adopted in the various rules of the commission's new Chapter 3.

PURPOSE: This rule is promulgated pursuant to section 393.292, RSMo to—1) govern the review and authorization of changes to the rates and charges contained in the tariff(s) of an electric corporation as a result of a change in the level or annual accrual of funding necessary for its nuclear power plant decommissioning trust fund, 2) govern the procedure for the submission, examination, hearing and approval for the tariff changes and 3) ensure that the amounts collected from ratepayers and paid into the trust funds will be neither greater nor lesser than the amounts necessary to carry out the purposes of the trust. Additional requirements pertaining to this subject matter are also found at 4 CSR 240-3.185.

[(5)] The utility or the trustee shall file reports quarterly to the commission. The reports shall contain the following information:

- (A) A total of all jurisdictional balances of the trust fund(s) based on a carrying cost (book) value;*
- (B) A total of all jurisdictional balances of the trust fund(s) based on a market value;*
- (C) A Missouri jurisdictional balance of the trust fund(s) based on a carrying cost (book) value;*
- (D) A Missouri jurisdictional balance of the trust fund(s) based on a market value;*
- (E) A summary of the trust account including the utility's contributions, incomes, expenses and a weighted average after-tax return for the quarter;*
- (F) A portfolio summary per asset class by amount and percentage;*
- (G) A detailed report of daily transactions; and*
- (H) Any other information the commission orders the utility or trustee to provide.*

(6) In addition, the utility or the trustee shall file reports annually to the commission that contain the following information:

- (A) An asset maturity schedule;*
- (B) A summary of the trust's portfolio of investments including a listing of each security detailing the carrying cost, current market value, maturity date, estimated annual income and the yield to maturity;*
- (C) A copy of all correspondence including income tax returns and tax exempt rulings concerning the trust with the IRS or any state revenue agency; and*
- (D) Any other information the commission orders the utility or trust to provide.]*

[(7)] (5) The utility shall take every reasonable action to provide reasonable assurance that adequate funds are available at the nuclear generating unit's termination of operation, so that decommissioning can be carried out in a safe and timely manner and that lack of funds does not result in delays that may cause undue health and safety hazards.

[(8)] (6) The utility shall maintain its nuclear generating unit(s) in a manner calculated to minimize the utility's total cost of maintenance and decommissioning, consistent with the prudent operation of the unit.

[(9) On or before September 1, 1990 and every three (3) years after that, utilities with decommissioning trust funds shall perform and file with the commission cost studies detailing the utilities' latest cost estimates for decommissioning their nuclear generating unit(s) along with the funding levels necessary to defray these decommissioning costs.

These studies shall be filed along with appropriate tariff(s) effectuating the change in rates necessary to accomplish the funding required. In addition, the commission, at any time for just cause, may require a utility to file an updated decommissioning cost study, funding requirement and associated tariff(s).

(10) At the time a tariff(s) is filed by a utility which proposes any change in rates due to changes in the estimate of decommissioning cost or the funding level of its nuclear decommissioning trust fund(s), the utility shall file the following minimum information in support of the need for changes in its tariff rates:

(A) An updated decommissioning cost study which estimates the cost of decommissioning and the funding levels necessary to defray these costs. This study shall contain the following information:

1. Detailed quantities and unit prices in current dollars for each system of the nuclear generating unit to be decommissioned;

2. A detailed breakdown between radioactive contaminated systems and those systems which are not contaminated by radioactivity;

3. Funding levels which are computed on a leveled basis and which accrue future decommissioning costs over the remaining licensed life of the nuclear generating unit. The utility shall include the earnings rate and inflation rate assumed in the cost study as compared to those assumed in any previous study;

4. A detailed description of any facilities that were added to or deleted from the cost study filed in the previous case;

5. The beginning date for the expenditure of funds for decommissioning assumed in the study shall be no later than the expiration date of the unit's current Nuclear Regulatory Commission (NRC) license; and

6. The study shall consider and evaluate all reasonable practices or procedures which would reduce the ultimate cost of decommissioning; and

(B) A summary description of the reasons (for example, changes in regulation, technology or economics) that brought on the need to change the decommissioning cost estimate.]

((11)) (7) Upon the filing of the appropriate tariff(s) as set in /sections (9) and (10)/ 4 CSR 240-3.180, the commission shall establish a schedule of proceedings which shall be limited in scope to the following issues:

(A) The extent of any change in the level or annual accrual of funding necessary for the utility's decommissioning trust fund; and

(B) The changes in rates which would reflect any change in the funding level or accrual rate.

((12)) (8) For a fund intended to be tax qualified, after receipt of any commission order modifying the annual decommissioning funding requirements, the affected utility shall apply for an adjusted IRS ruling in a timely manner, seeking deductibility of the new annual decommissioning cost accruals consistent with the effective dates given in the order. Pending final IRS approval, the utility shall be authorized to continue funding at the level which existed prior to the commission order provided that the utility will take all appropriate action to preserve the tax deduction of the amounts subsequently approved in the IRS ruling.

((13)) (9) Distributions may be made from a nuclear decommissioning trust fund only to satisfy the liabilities of the utility for nuclear decommissioning costs relating to the nuclear generating unit

for which the decommissioning fund was established and to pay administrative costs, income taxes and other incidental expenses of the trust fund. The utility shall not use proceeds of the trust for the purpose of filing for an updated tax ruling or to qualify the trust.

((14)) (10) Each utility shall file with the commission the detailed plan required by the Nuclear Regulatory Commission (NRC) for the decommissioning of its nuclear generating unit when that plan is filed with the NRC. Before any distribution of decommissioning trust funds are made for the decommissioning of its nuclear generating unit, the utility must notify and obtain commission approval of its intent to make this distribution.

((15)) (11) The utility shall conduct the decommissioning of its nuclear generating unit in accordance with NRC requirements and must not knowingly allow any procedure that would unreasonably endanger human life or the environment.

((16)) (12) Upon termination of the trust, the utility shall file with the commission the appropriate tariff(s) to reflect the termination of payments into the decommissioning trust fund, as well as refund or credit any overcollection of these funds.

((17)) (13) Upon proper application and after due notice and hearing, the commission may waive any provision of this rule for good cause shown.

((18)) (14) The commission may adopt further amendments as it deems necessary for the sound management of the trust fund(s), consistent with the purpose of this rule.

AUTHORITY: sections 386.250 and 393.292, RSMo [Supp. 1989] 2000. Original rule filed Nov. 27, 1989, effective March 26, 1990. Amended: Filed May 4, 1993, effective Dec. 9, 1993. Amended: Filed Aug. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 20—Electric Utilities

PROPOSED RESCISSION

4 CSR 240-20.080 Electrical Corporation Reporting Requirements for Certain Events. This rule prescribed requirements and procedures for the reporting of certain events by electrical corporations to the Public Service Commission to inform the commission of developments which may affect the rendering of safe and adequate service and to enable the commission to thoroughly and fairly investigate certain events, which may have an impact in future electric rate proceedings at the time and in the context in which those events occur.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 393.140, RSMo 1986. Original rule filed March 1, 1991, effective Sept. 30, 1991. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 21—Electric Service Territorial Agreements

PROPOSED RESCISSION

4 CSR 240-21.010 Schedule of Fees. This rule set a schedule of fees for commission review of proposed territorial agreements between electric service suppliers.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: sections 394.312 and 386.800, RSMo 2000. Original rule filed Oct. 3, 1989, effective Jan. 1, 1990. Amended: Filed June 1, 2001, effective Jan. 30, 2002. Rescinded: Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 30—Telephone Utilities

PROPOSED RESCISSION

4 CSR 240-30.010 Rate Schedules. This rule prescribed the form and procedures for filing and publishing schedules of rates of all telephone corporations under the jurisdiction of the Public Service Commission.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 392.220, RSMo Supp. 1991. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 16, 1977, effective Dec. 11, 1977. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

PROPOSED RESCISSION

4 CSR 240-32.030 Records and Reports. This rule prescribed the type, location and retention of records, and reports on telecommunications service.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMO Supp. 1998. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Aug. 13, 1984, effective Nov. 15, 1984. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested

persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

PROPOSED AMENDMENT

4 CSR 240-33.060 Residential Customer Inquiries. The commission is proposing to amend the Purpose section of the rule by adding a reference to other applicable commission rules, to delete sections (1) and (3) from the rule and to renumber the remaining sections of the rule accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the sections being deleted from this rule are being adopted in the various rules of the commission's new Chapter 3.

PURPOSE: This rule establishes procedures to be followed when residential customers make inquiries of telecommunications companies so that such inquiries are handled in a reasonable manner. Additional requirements pertaining to this subject matter are also found at 4 CSR 240-3.555.

[(1) A telecommunications company shall adopt procedures which will ensure the prompt and thorough receipt, investigation and, where possible, resolution of inquiries. The telecommunications company, upon request, shall submit the procedures to the commission and the telecommunications company shall notify the commission of any substantive changes in these procedures prior to their implementation.]

[(2)] (1) A telecommunications company shall establish personnel procedures which ensure that personnel shall be available during normal business hours to accept customer inquiries within a reasonable time after such inquiries are made by telephone or in person. Within a reasonable time after accepting such an inquiry, a telecommunications company will make available appropriate personnel to handle the inquiry. A telecommunications company shall provide a toll-free telephone number for customer inquiries.

[(3) A telecommunications company shall prepare a statement which in layman's terms describes the rights and responsibilities of both the telecommunications company and its customers under this chapter. This statement shall appear in the front part of the telephone directory or the telecommunications company will mail or otherwise deliver such statement to its existing and new customers. If multiple telecommunications companies are represented in a directory, and each has identical statements of rights and responsibilities, the information need only appear once. Upon request the statement shall be submitted to the commission, its staff, or Office of the Public Counsel. The statement shall include descriptions of:

(A) Billing procedures;

- (B) Customer payment requirements and procedures;
- (C) Deposit and guarantee requirements;
- (D) Conditions of termination, discontinuance and reconnection of service;
- (E) Procedures for handling inquiries;
- (F) A procedure whereby a customer may avoid discontinuance of service during a period of absence;
- (G) Complaint procedures under 4 CSR 240-2.070;
- (H) The telephone number and address of all offices of the Missouri Public Service Commission and the statement that this company is regulated by the Missouri Public Service Commission; and
- (I) The address and telephone number of the Office of the Public Counsel and a statement of the function of that office.]

AUTHORITY: sections 386.040, [RSMo 1994 and] 386.250 and 392.200, RSMo [Supp. 1998] 2000. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999, effective April 30, 2000. Amended: Filed Aug. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Proposed Rules

AUTHORITY: section 393.140(II), RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 16, 1977, effective Dec. 11, 1977. Amended: Filed May 29, 1986, effective Oct. 27, 1986. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 40—Gas Utilities and Gas Safety Standards

PROPOSED AMENDMENT

4 CSR 240-40.040 Uniform System of Accounts—Gas Corporations. The commission is proposing to amend the Purpose section of the rule by adding a reference to other applicable commission rules, to delete section (5) of the rule and to renumber the remaining sections accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this rule are being adopted in the various rules of the commission's new Chapter 3.

PURPOSE: This rule directs gas companies within the commission's jurisdiction to use the uniform system of accounts prescribed by the Federal Energy Regulatory Commission for major natural gas companies, as modified [here, to file annual reports, and to submit a revised depreciation study, database and property unit catalog at least every five years.] herein. Requirements regarding the submission of depreciation studies, databases and property unit catalogs are found at 4 CSR 240-3.235 and 4 CSR 240-3.275.

(5) Each gas corporation subject to the commission's jurisdiction shall submit a depreciation study, data base and property unit catalog to the manager of the commission's energy department, and to the Office of the Public Counsel, as required by the terms of subsection (5)(B).

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 40—Gas Utilities and Gas Safety Standards

PROPOSED RESCISSION

4 CSR 240-40.010 Rate Schedules. This rule prescribed the forms and procedures for filing and publishing schedules of rates of all gas utilities under the jurisdiction of the Public Service Commission.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

(A) *The depreciation study, data base and property unit catalog shall be compiled as follows:*

1. *The study shall reflect the average life and remaining life of each primary plant account or subaccount;*
2. *The data base shall consist of dollar amounts, by plant account or subaccount, representing—*

A. Annual dollar additions and dollar retirements by vintage year and year retired, beginning with the earliest year of available data;

B. Reserve for depreciation;

C. Surviving plant balance as of the study date; and

D. Estimated date of final retirement and surviving dollar investment for each warehouse, propane/air production facility, liquefied natural gas facility, underground natural gas storage facility, general office building or other large structure;

3. *The property unit catalog shall contain a description of each retirement unit used by the company.*

(B) *A gas company shall submit its depreciation study, data base and property unit catalog on the following occasions:*

1. *On or before the date adjoining the first letter of the name under which the corporation does business, excluding the word the, as indicated by the tariffs on file with the commission.*

A. *The alphabetical categories and submission due dates are as follows:*

- (I) A, B, C, D: January 1, 1994;
- (II) E, F, G, H: July 1, 1994;
- (III) I, J, K, L: January 1, 1995;
- (IV) M, N, O, P: July 1, 1995;
- (V) Q, R, S, T: January 1, 1996;
- (VI) U, V, W, X, Y, Z: July 1, 1996.

B. *However—*

(I) *A gas company need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the due dates listed in subparagraph (5)(B)1.A.; or*

(II) *A utility with simultaneous due dates under 4 CSR 240-20.030(5)(B)1. and 4 CSR 240-40.040(5)(B)1. may postpone its due date with respect to one (1) of these rules by six (6) months. To exercise this option, the utility must give written notice of its intent to postpone compliance to the manager of the commission's energy department, and to the Office of the Public Counsel, before the utility's first due date;*

2. *When the utility files its tariff(s) with the commission proposing a general rate increase, as that term is used in the commission's rules pertaining to minimum filing requirements. However, a gas company need not submit a depreciation study, data base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility filing for a general rate increase; or*

3. *Before five (5) years have elapsed since the last time the commission's staff received a depreciation study, data base and property unit catalog from the utility.]*

[(6)] (5) The commission may waive or grant a variance from the provisions of this rule, in whole or in part, for good cause shown, upon a utility's written application.

AUTHORITY: sections 386.250 and 393.140, RSMo [1994] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed Feb. 5, 1993, effective Oct. 10, 1993. Amended: Filed March 19, 1996, effective Oct. 30, 1996. Amended: Filed Aug. 16, 2002.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>.* A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 45—Certification of Energy Sellers

PROPOSED RESCISSION

4 CSR 240-45.010 Certification of Energy Sellers. This rule established the procedure for certification of energy sellers pursuant to sections 393.297 through 393.301, RSMo.

PURPOSE: *The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.*

AUTHORITY: *section 393.299, RSMo Supp. 1998. Emergency rule filed Aug. 4, 1998, effective Aug. 14, 1998, expired Feb. 25, 1999. Original rule filed March 23, 1999, effective Sept. 30, 1999. Rescinded: Filed Aug. 16, 2002.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may*

also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 50—Water Utilities

PROPOSED RESCISSION

4 CSR 240-50.010 Rate Schedules. This rule prescribed the form and procedures for filing and publishing schedules of rates of all water utilities under the jurisdiction of the Public Service Commission.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 393.140(II), RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 16, 1977, effective Dec. 11, 1977. Amended: Filed May 29, 1986, effective Oct. 27, 1986. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 51—Water Service Territorial Agreements

PROPOSED RESCISSION

4 CSR 240-51.010 Schedule of Fees. This rule established a schedule of fees for commission review of proposed territorial agreements between water service providers.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 247.172, RSMo 2000. Original rule filed July 16, 1993, effective Jan. 31, 1994. Amended: Filed June 1, 2001, effective Jan. 30, 2002. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 60—Standards of Service by Sewer Utilities

PROPOSED RESCISSION

4 CSR 240-60.030 Tariff Schedules. This rule prescribed the form, contents and procedures for filing tariff schedules by all sewer corporations under the jurisdiction of the Public Service Commission.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 393.140(II), RSMo 1986. Original rule filed Feb. 23, 1973, effective March 2, 1973. Amended: Filed May 16, 1977, effective Dec. 11, 1977. Amended: Filed May 29, 1986, effective Oct. 27, 1986. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 80—Steam Heating Utilities

PROPOSED RESCISSION

4 CSR 240-80.010 Rate Schedules. This rule prescribed the form and governed the filing and publication of rate schedules of steam heating utilities regulated by the Public Service Commission.

PURPOSE: The commission is rescinding this rule from this chapter and adopting nearly identical requirements mirroring those found in the rule in a new rule in the commission's new Chapter 3, as a part of an overall reorganization of the commission's rules regarding general filing requirements.

AUTHORITY: section 393.290, RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 29, 1986, effective Oct. 27, 1986. Rescinded: Filed Aug. 16, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must

be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 80—Steam Heating Utilities

PROPOSED AMENDMENT

4 CSR 240-80.020 Uniform System of Accounts—Heating Companies. The commission is proposing to amend the Purpose section of the rule by adding a reference to other applicable commission rules, to delete sections (3), (4) and (7) of the rule and to renumber the remaining sections of the rule accordingly.

PURPOSE: This amendment reflects a reorganization of the commission's rules regarding general filing requirements in that requirements mirroring those found in the section being deleted from this rule are being adopted in the various rules of the commission's new Chapter 3.

PURPOSE: This rule prescribes a uniform system of accounts for all steam heating companies regulated by the Public Service Commission. Additional requirements regarding this subject matter and the filing of annual reports are found at 4 CSR 240-3.435.

[(3) For the purposes of improving the efficiency of administration and operation, any heating company, unless otherwise ordered, may keep upon its books any temporary or experimental accounts and any accounts covering particular divisions of its operations, provided that in respect of each such temporary, experimental or divisional account the heating company shall file with the Public Service Commission, at least ten (10) days in advance of the time when the account is to be instituted, a statement showing the name of the account, the date when it is to be instituted, the purpose for which it is to be kept, the period of time during which it is to be kept and a clear and accurate definition of the classes of items and facts to be contained in the account and in case of a divisional account, the definition of the division covered. Upon compliance with the provisions of this section, any account herein prescribed or defined may be subdivided.]

[(4) All notices required to be filed with the commission concerning accounts shall be upon sheets eight and one-half inches by eleven inches (8 1/2" x 11") in size and shall be entitled with the name of the heating company filing notices, followed by a brief statement of the character of the accounts covered by the notice.]

[(5)] (3) The uniform system of accounts for heating companies shall become effective on January 1, 1915.

[(6)] (4) Each heating company shall have and keep an office in this state, in which all accounts, records, memoranda, books and papers carried in pursuance of any requirements of law shall be kept. No such accounts, records, memoranda, books or papers shall at any time be removed from this state, except upon such conditions as may be prescribed by the commission.

[(7) Annual reports for all heating companies subject to regulations by this commission shall be filed with the commission on or before April 15 following the year for which the report is made.]

AUTHORITY: sections 386.250, 393.140[(4)] and 393.290, RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Amended: Filed Aug. 16, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2002, and should include a reference to Commission Case No. AX-2001-654. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for October 25, 2002, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 267—Office of Tattooing, Body Piercing and Branding

Chapter 1—General Organization and Procedures

PROPOSED RULE

4 CSR 267-1.010 Definitions

PURPOSE: This rule defines terms used in these administrative rules.

(1) "Antiseptic" means a chemical product or substance that kills or inhibits the growth of bacteria and organisms on skin, living tissue, or work areas.

(2) "Approved" means acceptable to the Office of Tattooing, Body Piercing and Branding based on its determination of conformance to these rules and generally accepted standards of public health.

(3) "Autoclave" means an apparatus, device or mechanism for sterilizing articles by using superheated steam under pressure.

(4) "Body pierce" and "body piercing" is the perforation of human tissue other than an ear for a nonmedical purpose.

(5) "Body piercer" is any individual who, for a fee, performs body-piercing procedures on a human being, excluding the ears, at the patron's request, including but not limited to:

- (A) Nose;
- (B) Tongue;
- (C) Nipple;
- (D) Eyebrow;
- (E) Navel;
- (F) Labrets (lips and around the mouth);
- (G) Male genitals;
- (H) Female genitals;
- (I) Multiple piercing in the same area; and

(J) Unusual piercing, including the earl, which is surface to surface piercing located across the bridge of the nose and/or the madison which is surface to surface piercing located near the clavicle.

(6) "Body piercing establishment" is the premises where a body piercer performs body piercing.

(7) "Brand" and "branding" is a permanent mark made on human tissue by burning with a hot iron or other instrument.

(8) "Brander" is any individual who, for a fee, performs branding on a patron at the patron's request.

(9) "Branding establishment" is the premises where a brander performs the process of branding.

(10) "Cleaning" is the removal of foreign material, soil, dirt and any other type of debris from all equipment coming into contact with a patron, and is normally accomplished with detergent, water and mechanical action.

(11) "Controlled substance" is any substance defined in section 195.010, RSMo.

(12) "Division" is the Division of Professional Registration for the State of Missouri.

(13) "Disinfectant" is a chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.

(14) "Hot water" is water at a temperature of one hundred eleven degrees Fahrenheit (111°F) or higher.

(15) "Instruments used for tattooing, body piercing or branding" are hand pieces, needles, needle bars, and other instruments that may come in contact with a patron's body during tattooing, body piercing and branding procedures.

(16) "Jewelry" is any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid fourteen karat (14K) or eighteen karat (18K) white or yellow gold, sterling silver, niobium, titanium or platinum. Jewelry shall be free of nicks, scratches or irregular surfaces and properly sterilized prior to use in a piercing procedure. Ear studs are not considered jewelry for purposes of these regulations.

(17) "Minor" a person under the age of eighteen (18).

(18) "Needle" is either of the following:

(A) The implement used to insert dyes or pigments into the dermis of the skin during permanent color or tattoo procedures; or

(B) The implement used to pierce or puncture a hole in any part of the human body, other than ears, for the purpose of inserting jewelry or other objects.

(19) "Needle bar" is the metal or plastic device used to attach the needle to a tattoo machine.

(20) "Office" is the Missouri Office of Tattooing, Body Piercing and Branding.

(21) "Operator" is the owner or person responsible to the owner for the operation of a tattoo, body piercing and/or branding establishment.

(22) "Patron" is a person receiving a tattoo, body pierce or brand.

(23) "Permanent cosmetic tattooing" includes eyeliner, eyebrows, lip liner, full lip color, repigmentation or camouflage.

(24) "Practitioner" is a tattooist, body piercer and/or brander.

(25) "Premises" is an entire building, structure, or area where tattooing, body piercing and/or branding are performed. Establishments located in buildings that are also used as residences must be separated from the living quarters by solid floor to ceiling partitions and shall have a separate entrance from the residence.

(26) "Sharps container" is a puncture resistant leak-proof container that can be closed for the purpose of handling, storing, transporting and disposing of sharps waste. The containers shall be clearly and distinctly labeled with the "biohazard" symbol.

(27) "Sharps waste" is any solid waste that consists of medical equipment or clinical laboratory articles and implements that may cause punctures or cuts, such as tattoo needles, body piercing needles, hypodermic needles, syringes with attached needles and lancets, whether contaminated or disinfected.

(28) "Single-use" is a product or item that is disposed of after one use, such as a needle, cotton swab or ball, tissue or paper product, a paper or soft plastic cup, nonabsorbent gloves, and/or gauze and other sanitary coverings.

(29) "Sterilization" is the killing of all organisms and spores through use of an autoclave operated at a minimum of two hundred fifty degrees Fahrenheit (250°F) and/or one hundred twenty-one degrees Celsius (121°C) at a pressure of at least fifteen (15) pounds per square inch for not less than thirty (30) minutes.

(30) "Tattoo" is:

(A) An indelible mark made on the body of another person by the insertion of a pigment under the skin; or

(B) An indelible design made on the body of another person by production of scars other than branding.

(31) "Tattoo establishment" is the premises where a tattooist performs tattooing on patrons.

(32) "Tattoo machine" (operable tattoo machine) is an electrical instrument used in conjunction with a tube, needle and needle bar to make indelible marks on the skin.

(33) "Tattooist" is any individual who, for a fee, tattoos a patron at the patron's request.

(34) "Tempered water" is water ranging in temperature of eighty-five degrees Fahrenheit (85°F) to less than one hundred ten degrees Fahrenheit (110°F).

(35) "Temporary establishment" is a single portable building structure, area or location where tattooists, body piercers and branders perform tattooing, body piercing and/or branding for a maximum of fourteen (14) consecutive days per event.

(36) "Ultrasonic cleaning" means a cleaning device that operates at forty to sixty (40–60) hertz.

(37) "Universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV) and other blood borne pathogens.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**

Chapter 1—General Organization and Procedures

PROPOSED RULE

4 CSR 267-1.020 Name and Address Changes

PURPOSE: This rule outlines the requirements and procedures for notifying the division of a name and/or address change.

(1) A licensed practitioner shall ensure that the division has his or her current and complete legal name and address on file.

(2) A licensed operator shall ensure that his or her correct name and mailing address is on file with the division.

(3) A practitioner whose name is changed by marriage or court order shall notify the division in writing within thirty (30) days of the name change and provide a copy of the appropriate documents verifying the name change.

(4) A practitioner may request a duplicate license by returning the original license and paying the duplicate license fee.

(5) A practitioner whose mailing address has changed shall inform the division of the address change within thirty (30) days of the effective date.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated one thousand seven hundred seventy-seven dollars (\$1,777) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated twenty-six dollars and eighty-five cents (\$26.85) in FY2004, an estimated fifty-nine dollars and seven cents (\$59.07) in FY2005, and an estimated eighty dollars and fifty-five cents (\$80.55) in FY2006 and each fiscal year thereafter for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 1 - General Organization and Procedures
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-1.020 Name and Address Changes

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$1,777 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and process request for name and address changes and supporting documentation.
- 2) Expense and equipment costs are incurred for board expenses incurred for issuing and mailing duplicate licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 5% | Enforcement - 1% |
|------------------------|----------------|------------------|
| Personal Service | \$746 | \$598 |
| Expense and Equipment | \$194 | \$156 |
| Transfers | \$46 | \$37 |
| TOTAL | \$987 | \$791 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Private Entity Fiscal Note

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 1 - General Organization and Procedures
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-1.020 Name and Address Changes

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

FY2004

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|--|--|---|
| 5 | Licensees (postage) | \$1.85 |
| 5 | Licensees (duplicate license fee) | \$25.00 |
| Estimated Cost of Compliance of Rule in FY2004 and FY2005 | | \$26.85 |

FY2005

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|--|--|---|
| 11 | Licensees (postage) | \$4.07 |
| 11 | Licensees (duplicate license fee) | \$55.00 |
| Estimated Cost of Compliance of Rule in FY2005 | | \$59.07 |

FY2006 and Each Fiscal Year Thereafter

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|--|--|---|
| 15 | Licensees (postage) | \$5.55 |
| 15 | Licensees (duplicate license fee) | \$75.00 |
| Estimated Cost of Compliance of Rule in FY2006 and Each Fiscal Year Thereafter for the Life of the Rule | | \$80.55 |

III. WORKSHEET

Postage @ \$37

Duplicate License @ \$5.00

IV. ASSUMPTION

1. The estimated number of licensees requesting a duplicate license was based on the executive director's assessment of the total anticipated number of licensees.
2. Private entities costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 1—General Organization and Procedures

PROPOSED RULE

**4 CSR 267-1.030 Tattoo, Body Piercing, and Branding
Establishment—Change of Name, Ownership or Location**

PURPOSE: This rule outlines the requirements and procedures for notifying the division of a change of name, ownership or location of a tattoo, body piercing or branding establishment.

(1) Change of Establishment Name.

(A) The establishment operator shall notify the division of the proposed name change prior to changing the business name and before revising any printed materials or advertisements.

(B) A duplicate license fee shall be submitted to the division along with written notification of the change of name at least thirty (30) days prior to the effective date of the proposed change.

(C) The license reflecting the name change shall replace the original license and be displayed in a conspicuous place on the premises of the tattoo, body piercing, and/or branding establishment.

(2) Change of Establishment Location.

(A) The establishment operator shall submit a new notarized application and the required application fee to the division upon changing the location of the operator's business. Upon inspection of the new premises and approval by the division, a new license will be issued by the division for the new establishment. The establishment license for the old location shall be void at the time the operator's business is moved to the new location, and shall be returned to the division immediately.

(3) Change of Ownership.

(A) The operator of a tattoo, body piercing and/or branding establishment shall promptly notify the division of his or her intention to cease operations and shall supply the division with the name and mailing address of the new operator, if any. An establishment license is not transferable. A new operator shall submit a notarized application and fee as required in 4 CSR 267-2.010 and 4 CSR 267-2.020 and obtain a new license before operating the establishment.

(4) Refusal to permit a survey inspection, if required by the division, shall constitute grounds for discipline or denial.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated two thousand five hundred sixty-six dollars (\$2,566) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated twenty-one dollars and forty-eight cents (\$21.48) in FY2004 and FY2005 and an estimated twenty-six dollars and eighty-five cents (\$26.85) in FY2006 and each fiscal year thereafter for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note**

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 1 - General Organization and Procedures

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 267-1.030 Tattoo, Body Piercing and Branding Establishment - Change of Name, Ownership or Location

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$2,566 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, and change of name, ownership or location requests/applications.
- 2) Expense and equipment costs are incurred for board expenses incurred for issuing and mailing duplicate licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 5% | Enforcement - 2% |
|------------------------|----------------|------------------|
| Personal Service | \$746 | \$1,194 |
| Expense and Equipment | \$194 | \$311 |
| Transfers | \$46 | \$74 |
| TOTAL | \$987 | \$1,579 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense & equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Private Entity Fiscal Note**

I. Rule Number

Title: 4 - Department of Economic Development

Division: 267 - Office of Tattooing, Body Piercing and Branding

Chapter: 1 - General Organization and Procedures

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 267-1.030 Tattoo, Body Piercing and Branding Establishment - Change of Name, Ownership or Location

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

FY2004 and FY2005

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|---|---|--|
| 4 | Licensees (postage) | \$1.48 |
| 4 | Licensees (duplicate license fee) | \$20.00 |
| Estimated Cost of Compliance of Rule in FY2004 and FY2005 | | \$21.48 |

FY2006 and Each Fiscal Year Thereafter

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|--|---|--|
| 5 | Licensees (postage) | \$1.85 |
| 5 | Licensees (duplicate license fee) | \$25.00 |
| Estimated Cost of Compliance of Rule in FY2006 and Each Fiscal Year Thereafter for the Life of the Rule | | \$26.85 |

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The estimated number of licensees requesting a duplicate license was based on the executive director's assessment of the total anticipated number of licensees.
2. Private entities costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 2—Licensing Requirements

PROPOSED RULE

4 CSR 267-2.010 Licenses

PURPOSE: This rule outlines the requirements for obtaining a tattoo, body piercing and branding license.

(1) No person shall operate a tattoo establishment, body piercing establishment and/or branding establishment unless he or she has obtained a license for the establishment from the division. An application for an establishment license shall be notarized and accompanied by the appropriate fee. Only one (1) application shall be required for any single establishment.

(2) No person shall tattoo, body pierce and/or brand another person, use or assume the title of tattooist, body piercer and/or brander, designate or represent themselves to be a tattooist, body piercer and/or brander unless he or she has obtained a license from the division. An application for a practitioner license shall be notarized and accompanied by the appropriate fee.

(3) Within a reasonable period of time after receiving a completed notarized application for a license, the division shall either approve the application and issue a license or deny the application. If the application for license is denied, the division shall give the applicant reasons in writing for the denial and provide information about how the applicant may appeal the decision.

(4) The division shall not issue a license to a new or temporary tattoo, body piercing and/or branding establishment or a new operator at an existing establishment without completing an inspection of the establishment to ensure that the establishment complies with the requirements set forth in these rules.

(5) Applicants who are approved for licensure shall receive one (1) license. Duplicate licenses may be provided upon payment of the appropriate fee pursuant to the rules promulgated by the division.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated eleven thousand fifty-four dollars (\$11,054) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated twenty-six thousand nine hundred thirty-two dollars and ninety-two cents (\$26,932.92) in FY2003, an estimated two hundred fifty-five thousand five hundred seventy-one dollars and seven cents (\$255,571.07) in FY2004, and an estimated ten thousand nine hundred twenty-three dollars and forty-one cents (\$10,923.41) in FY2005 and each fiscal year thereafter for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 2 - Licensing Requirements
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-2.010 Licenses

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$11,054 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, and process applications and supporting documentation.
- 2) Expense and equipment costs are incurred for board expenses incurred for issuing and mailing licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 40% | Enforcement - 4% |
|------------------------|-----------------|------------------|
| Personal Service | \$5,972 | \$2,389 |
| Expense and Equipment | \$1,556 | \$622 |
| Transfers | \$368 | \$147 |
| TOTAL | \$7,896 | \$3,158 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 2% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Private Entity Fiscal Note

I. Rule Number

Title: 4 - Department of Economic Development
 Division: 267 - Office of Tattooing, Body Piercing and Branding
 Chapter: 2 - Licensing Requirements

Type of Rulemaking: Proposed Rule
 Rule Number and Name: 4 CSR 267-2.010 Licenses and Fees

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**FY2003**

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|---|---|--|
| 3 | Applicants (Tattoo Establishment License Fee - \$500) | 1,500.00 |
| 1 | Applicants (Body Piercing Establishment License Fee - \$500) | 500.00 |
| 1 | Applicants (Branding Establishment License Fee -\$500) | 500.00 |
| 20 | Applicants (Combined Tattoo, Body Piercing and Branding Establishment License Fees - \$600) | 12,000.00 |
| 30 | Applicants (Tattoo License Fee - \$100) | 3,000.00 |
| 30 | Applicants (Body Piercer License Fee - \$100) | 3,000.00 |
| 1 | Applicants (Brander License Fee - \$100) | 100.00 |
| 30 | Applicants (Combined Practitioner Fee -\$200) | 6,000.00 |
| 116 | Applicants (notary - \$2.50) | 290.00 |
| 116 | Applicants (postage - \$.37) | 42.92 |
| Estimated Cost of Compliance in FY2003 | | \$26,932.92 |

FY2004

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|---|---|--|
| 12 | Applicants (Tattoo Establishment License Fee - \$500) | 6,000.00 |
| 5 | Applicants (Body Piercing Establishment License Fee - \$500) | 2,500.00 |
| 3 | Applicants (Branding Establishment License Fee -\$500) | 1,500.00 |
| 238 | Applicants (Combined Tattoo, Body Piercing and Branding Establishment License Fees - \$600) | 142,800.00 |
| 100 | Licensees (Tattoo License Fee - \$100) | 10,000.00 |
| 100 | Licensees (Body Piercer License Fee - \$100) | 10,000.00 |
| 3 | Licensees (Brander License Fee - \$100) | 300.00 |
| 400 | Licensee (Combined Practitioner Fee -\$200) | 80,000.00 |
| 861 | Applicants (notary - \$2.50) | 2,152.50 |
| 861 | Licensee (postage - \$.37) | 318.57 |
| Estimated Cost of Compliance in FY2004 | | \$255,571.07 |

FY2005 and Each Fiscal Year Thereafter

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|--|---|---|
| 5 | Applicants (Tattoo Establishment License Fee - \$500) | 2,500.00 |
| 1 | Applicants (Body Piercing Establishment License Fee - \$500) | 500.00 |
| 1 | Applicants (Branding Establishment License Fee - \$500) | 500.00 |
| 5 | Applicants (Combined Tattoo, Body Piercing and Branding Establishment License Fees - \$600) | 3,000.00 |
| 10 | Licensees (Tattoo License Fee - \$100) | 1,000.00 |
| 8 | Licensees (Body Piercer License Fee - \$100) | 800.00 |
| 1 | Licensees (Brander License Fee - \$100) | 100.00 |
| 12 | Licensee (Combined Practitioner Fee - \$200) | 2,400.00 |
| 43 | Applicants (notary - \$2.50) | 107.50 |
| 43 | Licensee (postage - \$.37) | 15.91 |
| Estimated Cost of Compliance in FY2005 and Each Fiscal Year Thereafter for the Life of the Rule | | \$10,923.41 |

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The number of licensees estimated was based on the number of individuals who requested their name be added to the mailing list for a licensure application and information obtained from the website <http://www.superpages.com>.
2. Private entities costs were determined based on the estimated number of licenses and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 2—Licensing Requirements

PROPOSED RULE

4 CSR 267-2.020 Fees

PURPOSE: This rule establishes and fixes various fees and charges authorized by section 324.522, RSMo.

(1) The operator of a tattoo, body piercing or branding establishment shall pay a biennial license fee to the office as follows:

| | |
|--|-------|
| (A) Tattoo establishment | \$500 |
| (B) Body piercing establishment | \$500 |
| (C) Branding establishment | \$500 |
| (D) Combined tattoo, body piercing or branding establishment | \$600 |
| (E) Renewal for a tattoo, body piercing or branding establishment | \$500 |
| (F) Renewal for a combined tattoo, body piercing and/or branding establishment | \$600 |

(2) The operator of a temporary tattoo, body piercing and/or branding establishment shall pay a fee to the division as follows:

| | |
|--|-----------------|
| (A) Temporary tattoo establishment | \$500 per event |
| (B) Temporary body piercing establishment | \$500 per event |
| (C) Temporary branding establishment | \$500 per event |
| (D) Temporary combined tattoo, body piercing and/or branding establishment | \$600 per event |

(3) A person who wishes to practice as a tattooist, body piercer, or brander shall pay a biennial fee to the division as follows:

| | |
|---------------------------------------|-------|
| (A) Tattooist | \$100 |
| (B) Renewal for tattooist | \$100 |
| (C) Body piercer | \$100 |
| (D) Renewal for a body piercer | \$100 |
| (E) Brander | \$100 |
| (F) Renewal for a brander | \$100 |
| (G) Combined practitioner | \$200 |
| (H) Renewal for combined practitioner | \$200 |

(4) Additional Fees:

| | |
|---------------------------|------|
| (A) Duplicate license fee | \$5 |
| (B) Bad check fee | \$25 |

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 2—Licensing Requirements

PROPOSED RULE

4 CSR 267-2.030 License Renewal

PURPOSE: This rule outlines the process for renewing a practitioner's license and/or an establishment license.

(1) All practitioner and establishment licenses shall be renewed biennially. All licenses shall be renewed in odd numbered years and shall expire on June 30 as defined in 4 CSR 231-2.010. Failure of a practitioner or the holder of an establishment license to renew the license shall cause the license to expire. A practitioner who continues to practice or a holder of an establishment license who continues to operate without a valid license shall be deemed to be practicing in violation of sections 324.520 to 324.524, RSMo.

(2) Failure to receive notice shall not relieve the licensee or the holder of an establishment license of the obligation to renew and pay the required fee prior to the expiration date.

(3) Each practitioner or holder of an establishment license shall provide the division with a completed and signed renewal form containing updated information since the preceding application/renewal period, as well as the required fee for renewal.

(4) Renewals shall be postmarked no later than the expiration date of the license.

(5) Deposit of a licensee's or operator's renewal fee by the division does not constitute acceptance of the renewal application. Any practitioner or holder of an establishment license who fails to renew the license by the expiration date shall not perform any act for which a license is required.

(6) A practitioner or a holder of an establishment license who fails to renew said license by the expiration date shall reapply under the regulations in effect at the time of reapplication.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated one thousand nine hundred seventy-four dollars (\$1,974) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated two hundred sixty-seven thousand four hundred twenty-one dollars (\$267,421) in FY2005 and each biennial fiscal year thereafter for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson

*City, MO 65102 or by facsimile at (573) 526-3489. To be considered,
comments must be received within thirty (30) days after publication
of this notice in the Missouri Register. No public hearing is sched-
uled.*

**Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note**

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 2 - Licensing Requirements
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-2.030 License Renewal

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$1,974 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, and process applications and supporting documentation.
- 2) Expense and equipment costs are incurred for board expenses incurred for issuing and mailing licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 10% | Enforcement - 0% |
|------------------------|-----------------|------------------|
| Personal Service | \$1,493 | \$0 |
| Expense and Equipment | \$389 | \$0 |
| Transfers | \$92 | \$0 |
| TOTAL | \$1,974 | \$0 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 3% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Private Entity Fiscal Note

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 2 - Licensing Requirements
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-2.030 License Renewal

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|---|---|--|
| 22 | Licensees (Establishment Renewal License Fee - \$500) | 11,000.00 |
| 263 | Licensees (Combined Establishment Renewal License Fee - \$600) | 157,800.00 |
| 90 | Licensees (Tattooist License Fee - \$100) | 9,000.00 |
| 90 | Licensees (Body Piercer License Fee - \$100) | 9,000.00 |
| 3 | Licensees (Brander License Fee - \$100) | 300.00 |
| 400 | Licensees (Combined Renewal License Fee - \$200) | 80,000.00 |
| 868 | Licensees (Postage - \$.37) | 321.16 |
| Estimated Cost of Compliance in FY2005 and Each Fiscal Year Thereafter for the Life of the Rule | | \$267,421.16 |

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The estimated number of licensees requesting a duplicate license was based on the executive director's assessment of the total anticipated number of licensees.
2. The office anticipates a biennial increase in the number of licensees renewing their license, however, the office is unable to determine an consistent percentage at this time.
3. Private entities costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on acutal costs and acutal number of licensees.
4. It is anticipated that the total cost will recur biechnially for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 3—Establishments

PROPOSED RULE

4 CSR 267-3.010 Tattoo, Body Piercing and Branding Establishments

PURPOSE: This rule specifies the requirements to operate a tattoo, body piercing and branding establishment.

(1) Each operator of a licensed establishment shall—

(A) Only employ or allow licensed practitioners to perform tattooing, body piercing and/or branding procedures on the premises of the licensed establishment;

(B) Ensure that no practitioner in his/her employ or practicing on the premises of the licensed establishment performs beyond the scope of his or her practice and expertise, nor shall an establishment operator direct or require a practitioner to perform beyond the scope of his or her practice and expertise;

(C) Maintain on file in the establishment a copy of each current practitioner's license;

(D) Ensure that each practitioner employed or practicing at the licensed establishment engages in the safe and sanitary practice of tattooing, branding and/or body piercing including but not limited to the use of universal precautions and proper hygiene;

(E) Conspicuously display for the public in the establishment, the license issued by the division for the establishment and the license of each practitioner working in the establishment. A photograph of each practitioner shall be in close proximity to the license for that individual. The photograph shall measure approximately two inches by two inches (2" x 2") and shall have been taken within the last two (2) years;

(F) Be responsible for maintaining client records for a minimum of two (2) years. If a tattoo requires more than one (1) visit to be completed, client records shall be maintained for two (2) years following the completion of the work;

(G) Maintain documentation of compliance with all applicable building, fire, and plumbing codes prescribed by the state or local government. If no zoning codes are available, establishments shall be equipped with and maintain a minimum of at least one (1) fire extinguisher, and one (1) smoke alarm, each of which shall be maintained in good working condition;

(H) Maintain all equipment used to perform tattooing, body piercing and branding procedures in a safe and sanitary condition;

(I) Provide for safe and unobstructed human passage in the public areas of the premises;

(J) Provide for the removal of biohazardous waste, garbage and refuse in a safe and sanitary manner; and

(K) Provide for the safe storage and removal of flammable materials.

(2) General Premises.

(A) Licensed establishments located in buildings that are also used as residences shall be completely separated from the living quarters by floor to ceiling walls or partition(s) and solid doors that are kept closed during business hours. A direct outside entrance to the tattoo, body piercing and/or branding establishment shall be provided.

(B) Floors in the area where tattooing, body piercing and branding procedures are performed shall be constructed of smooth, durable, washable and nonporous material and shall be maintained in clean condition and in good repair at all times. Carpeting is prohibited.

(C) Walls in the area where tattoo, body piercing and branding procedures are performed shall be constructed of washable material

and shall be maintained in good condition and in good repair at all times.

(D) Proper lighting shall be available to enable the practitioner to safely perform tattooing, body piercing and branding on a patron.

(E) Water and sewage systems shall comply with all state and local requirements.

(F) A panel or other barrier of sufficient height and width to effectively separate a patron on whom a procedure is being performed from observers or waiting patrons shall be in place or readily available at the patron's request. A panel or barrier shall be in place or readily available and must be used during any tattooing, body piercing or branding of the genital area.

(G) Easily cleanable waste containers with non-absorbent, durable plastic liners shall be used for disposal of all tissue, towels, gauze pads and other similar items used on patrons. Infectious waste, including but not limited to sharps waste, shall be placed in a properly marked biohazard bag or sharps container and disposed of by an approved biohazardous waste company. All items which are single use and are not considered sharps waste that come in contact with body fluids must be placed in a biohazard container and disposed of by an approved biohazardous waste company.

(H) The premises and all facilities used in connection with the premises shall be maintained in a clean, sanitary and vermin-free condition at all times.

(I) All furniture in an establishment must be kept clean and well maintained.

(J) No animals, except for those providing services to persons with disabilities, are permitted in a tattoo, body piercing and/or branding establishment.

(3) Restroom, Handwashing, and Cleaning Areas.

(A) All tattoo, body piercing and/or branding establishments shall have a public toilet and handwashing facility that is separate from any living areas.

(B) All tattoo, body piercing and/or branding establishments shall have a separate sink to be used only for sterilization purposes.

(C) Floors, walls, ceilings and fixtures shall be kept clean and in good repair at all times. An easily cleanable covered waste receptacle shall be provided in the toilet room.

(D) At least one handwashing facility shall be easily accessible to the tattoo, body piercing and/or branding area, in addition to what is provided in the toilet room.

(E) Antibacterial soap in a dispenser and single-service towels for drying hands shall be provided at all handwashing facilities. Hot and cold potable water under pressure shall be available at all handwashing facilities.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated twenty thousand seven hundred twenty-four dollars (\$20,724) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note**

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 3 - Establishments
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-3.010 Tattoo, Body Piercing and Branding Establishments

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$20,724 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence.
- 2) Expense and equipment costs are incurred for board expenses incurred for mailing correspondence
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 25% | Enforcement - 20% |
|------------------------|-----------------|-------------------|
| Personal Service | \$3,732 | \$11,944 |
| Expense and Equipment | \$972 | \$3,111 |
| Transfers | \$230 | \$735 |
| TOTAL. | \$4,934 | \$15,790 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 3% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 2% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 4—Temporary Establishments

PROPOSED RULE

4 CSR 267-4.010 Temporary Establishment License

PURPOSE: This rule outlines the requirement that must be met when applying for a temporary tattoo, body piercing or branding establishment.

(1) Issuance of Temporary Establishment License.

(A) The division may issue a temporary establishment license for a specified event to any tattoo, body piercing and/or branding establishment upon successful completion of an inspection. A temporary establishment license shall be in effect for not more than fourteen (14) consecutive days and shall not be transferable to a different location.

(B) The inspection of a temporary establishment shall be conducted by an inspector serving as a representative of the division and shall be conducted immediately prior to the beginning of the establishment's operation.

(C) An application for a temporary establishment license shall be notarized and submitted to the division at least thirty (30) days prior to the event.

(D) No temporary establishment may be operated without a license granted by the division. No temporary establishment license may be issued without a prior inspection.

(E) A temporary establishment license shall be conspicuously displayed for the public's view in the temporary establishment.

(2) Operator of a Temporary Establishment.

(A) The operator of a temporary establishment shall:

1. Hold a current license in the State of Missouri or in another state and be at least eighteen (18) years old;
2. Submit a notarized application with the required temporary establishment fee;
3. Provide the division with a list of all practitioners who will be working at the temporary establishment. Such a list shall set forth each practitioner's current license number and the status of his or her license; and
4. Be responsible for all practitioners.

(3) Facility.

(A) Each temporary establishment shall be equipped with:

1. An approved toilet and handwashing facility;
2. Potable water under pressure;
3. Hot or tempered water for handwashing and cleaning; and
4. Connection to an approved sewage collection system.

(B) Each temporary establishment shall be constructed according to the following specifications:

1. Each temporary facility shall be restricted to a stationary physical location; and
2. Each temporary facility shall be equipped with a roof to prevent dust and debris from entering the establishment.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated two thousand nine hundred sixty dollars (\$2,960) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal

note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated nine thousand five hundred six dollars and twenty-nine cents (\$9,506.29) in FY2004 and an estimated seven thousand five dollars and eighteen cents (\$7,005.18) in FY2005 and each fiscal year thereafter for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note**

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 4 - Temporary Establishments
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-4.010 Temporary Establishments

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$2,960 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, and process applications and supporting documentation.
- 2) Expense and equipment costs are incurred for board expenses incurred for issuing and mailing licenses.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 15% | Enforcement - 0% |
|------------------------|-----------------|------------------|
| Personal Service | \$2,239 | \$0 |
| Expense and Equipment | \$583 | \$0 |
| Transfers | \$138 | \$0 |
| TOTAL | \$2,960 | \$0 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 2% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Private Entity Fiscal Note**

I. Rule NumberTitle: 4 - Department of Economic DevelopmentDivision: 267 - Office of Tattooing, Body Piercing and BrandingChapter: 4 - Temporary EstablishmentsType of Rulemaking: Proposed RuleRule Number and Name: 4 CSR 267-4.010 Temporary Establishment License

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

FY2004

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|--|---|---|
| 3 | Applicant (Temporary Tattoo Establishment License - \$500) | \$1,500.00 |
| 3 | Applicants (Temporary Body Piercing Establishment License - \$500) | \$1,500.00 |
| 1 | Applicants (Temporary Branding Establishment License - \$500) | \$500.00 |
| 10 | Applicants (Temporary Tattoo, Body Piercing and Branding Establishment License - \$600) | \$6,000.00 |
| 17 | Applicants (postage - \$.37) | \$6.29 |
| | Estimated Cost of Compliance in FY2004 | \$9,506.29 |

FY2005 and Each Fiscal Year Thereafter

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|--|--|---|
| 2 | Applicant (Temporary Tattoo Establishment License - \$500) | \$1,000.00 |
| 2 | Applicants (Temporary Body Piercing Establishment License - \$500) | \$1,000.00 |
| 0 | Applicants (Temporary Branding Establishment License - \$500) | \$0.00 |
| 10 | Applicants (Temporary Tattoo, Body Piercing and Branding Establishment License - \$500) | \$5,000.00 |
| 14 | Applicants (postage - \$.37) | \$5.18 |
| | Estimated Cost of Compliance in FY2005 and Each Fiscal Year Thereafter for the Life of the Rule | \$7,005.18 |

III. WORKSHEET

See table above

IV. ASSUMPTIONS

1. The estimated number of licensees requesting a duplicate license was based on the executive director's assessment of the anticipated number of licensees.
2. Private entities costs were determined based on the estimated number of licensees and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 5—Standards of Practice

PROPOSED RULE

4 CSR 267-5.010 Standards of Practice

PURPOSE: This rule outlines the standards that a practitioner will be held to in the course of performing tattoos, body piercing or branding. Such standards relate to practitioners' personal hygiene, safe and sanitary practices in performing procedures and the protection of the health and welfare of tattoo, body piercing and branding patrons.

(1) Competence.

(A) Each licensed tattooist, body piercer or brander shall:

1. Practice within his or her scope of practice and shall not attempt any procedure that is beyond his or her level of competence or training;

2. Perform only those procedures for which he or she holds a license to perform pursuant to sections 324.520 to 325.524, RSMo; and

3. Maintain the safe and sanitary practice of his or her profession, taking all necessary precautions to prevent the transfer of disease or infection from one patron to another, or from the licensee to a patron.

(B) A licensee shall not perform or attempt to perform any procedure intended to remove a tattoo. Any attempt by a licensee to perform a tattoo removal procedure shall be grounds for disciplinary action.

(C) Licensed tattooists shall retain records of the dyes used in their tattoos, including the lot number of each pigment used for each patron.

(D) No licensee shall delegate professional responsibilities to a person who is not qualified and licensed to perform such responsibilities.

(2) Identification.

(A) Each practitioner shall carry on his or her person proper picture identification when practicing pursuant to sections 324.520 to 325.524, RSMo. When requested to produce identification by an authorized agent of the division or office the licensee shall comply. A licensee's failure to produce proper picture identification upon request of an authorized agent shall be grounds for discipline by the division.

(3) Client Welfare.

(A) Each practitioner shall:

1. Conduct business and professional activities with honesty and integrity;

2. Obtain a signed informed consent from each patron prior to performing a tattooing, body piercing and/or branding procedures;

3. Not engage in the practice of tattooing, body piercing, or branding on a patron with an exposed rash, skin lesion, boil or any situation where contraindications exist;

4. Not engage in the practice of tattooing, body piercing or branding while under the influence of alcohol or drug(s);

5. Not allow smoking or consumption of food or alcohol in the area where a tattoo, body piercing or branding procedure is performed. Licensees and patrons may consume non-alcoholic beverages during the procedure. Alcoholic beverages shall not be consumed on the premises;

6. Utilize universal precautions at all times as defined in 4 CSR 267-1.010. This includes handwashing before and after each proce-

dure and refraining from exposing clients to infectious or contagious diseases;

7. Thoroughly wash his or her hands and the exposed portions of his or her arms with dispensed soap and tempered water before and after each procedure and more often as necessary to keep them clean;

8. Dry his or her hands and arms with individual single-service towels;

9. Maintain a high degree of personal cleanliness and conform to good hygiene practices during procedures;

10. Wear clean, washable outer clothing;

11. Wear non-absorbent gloves when preparing the skin and while performing each procedure. The non-absorbent gloves shall be for single-use only and disposed of after the completion of each procedure;

12. If while performing a tattoo, body piercing or body branding, the practitioner's glove is pierced, torn or otherwise contaminated, the contaminated gloves shall be immediately discarded and replaced with new gloves; and

13. If interrupted during a procedure and the interruption requires the use of the hands, a practitioner shall rewash his or her hands and put on new gloves before resuming the procedure.

(4) Equipment.

(A) All surfaces, counters and general-use equipment in the tattoo, body piercing, and branding areas shall be cleaned and disinfected before each patron is seated.

(B) All inks and pigments shall be obtained from reputable ink and pigment manufacturers. Information indicating the sources of all inks and pigments shall be available to the office upon request. Single-use containers of pigment or ink shall be used for each patron. No pigment or ink in which needles are dipped may be used on another patron. The remainder of unused portions shall be properly and permanently disposed of and/or destroyed after each application.

(C) Instruments, dyes, pigments, stencils, branding irons and other branding instruments used for tattooing, body piercing and branding shall be sterilized and stored in a safe and sanitary manner in order to prevent contamination.

(D) Disposable-type razors shall be for single-use only and disposed of in an approved manner.

(E) Tattoo stencils shall be single-use and each stencil shall be properly discarded after one (1) use.

(F) The use of piercing guns shall be prohibited for anything other than ears.

(G) Body piercing needles shall be disposable, sterile and for single-patron use only. All needles shall be placed in an approved sharps container after each use.

(H) Body piercing jewelry purchased at the establishment shall be cleaned, individually packaged and sterilized prior to use. Patrons that wish to use their own jewelry for body piercing must sign a waiver releasing the establishment from liability associated with the use of the patron's own jewelry.

(I) Bars, tubes, branding irons and other branding instruments shall be constructed in a manner that permits easy cleaning and sterilizing.

(J) Branding irons and other instruments used to brand may be reused if cleaned, sterilized and stored in an approved manner between each patron.

(K) Contaminated waste that may release liquid blood or bodily fluids when handled must be placed in an approved "red" bag that is marked with the international "biohazard" symbol. It must then be disposed of by, or delivered to, an approved medical waste facility pursuant to all applicable laws and regulations. Sharps ready for disposal shall be disposed of in an approved sharps container.

(L) Contaminated waste that does not release liquid blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal approved disposal methods.

(M) Practitioners shall use single-use plastic covers to cover reusable accessories such as spray bottles to minimize the possibility of transmitting body fluids or disease during application of a tattoo, body piercing or branding to successive patrons.

(N) Insects, vermin and rodents shall not be present in any part of the tattoo, body piercing and/or branding establishments and any appurtenances or appertaining premises.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated one thousand five hundred seventy-nine dollars (\$1,579) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 5 - Standards of Practice
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-5.010 Standards of Practice

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$1,579 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence.
- 2) Expense and equipment costs are incurred for board expenses incurred for mailing correspondence.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table I - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 0% | Enforcement - 2% |
|------------------------|----------------|------------------|
| Personal Service | \$0 | \$1,194 |
| Expense and Equipment | \$0 | \$311 |
| Transfers | \$0 | \$74 |
| TOTAL | \$0 | \$1,579 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 5% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 5—Standards of Practice

PROPOSED RULE

4 CSR 267-5.020 Patrons

PURPOSE: This rule outlines the age requirements of a patron and the necessity of a parental release for patrons under the age of eighteen (18) years of age. The rule also requires the establishment owner to keep on file photocopies of parental release forms and photocopies of picture identification.

(1) A practitioner shall not tattoo, body pierce or brand any person without first obtaining the following information in writing from the patron immediately preceding each procedure performed by the practitioner:

(A) Name, address, telephone number and date of birth of the patron;

(B) Driver's license number or official picture identification number of the patron. If the patron is under the age of eighteen (18) years, the practitioner shall obtain the driver's license number or official picture identification of the minor's parent or legal guardian;

(C) Signature of the patron or signature of the patron's parent or legal guardian if the patron is under the age of eighteen (18) years;

(D) A medical/health information form, to be completed by the patron that shall include but not be limited to information pertaining to the following:

1. Use of any medications containing controlled substances;

2. Communicable diseases, including Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV) and/or other blood borne pathogens;

3. Allergies;

4. Diseases affecting the patron's healing processes, including diabetes;

5. Current use of illegal substances (i.e., is the patron currently under the influence of illegal substances?);

6. Current use of alcohol (i.e., is the patron currently under the influence of alcoholic beverages?);

7. Jaundice within the twelve (12) months prior to the procedure;

8. Use of any medications that contain blood thinners; and

9. Use of any medications that are immunocompromising (i.e., weakens the immune system that fights infections);

(E) A properly authorized consent form signed by the patron acknowledging that he or she has been informed in person and in writing, pursuant to section (2) of this rule, of the dangers and contraindications of the procedure, and that the patron agrees to the procedure in light of the foregoing. The informed consent form shall be retained on file in the tattoo, body piercing and/or branding establishment;

(F) The signature of the practitioner attesting that the practitioner has reviewed the completed form(s), has advised the patron in person and in writing of the dangers and contraindications of the procedure, and the date of the review.

(2) A practitioner shall not tattoo, body pierce or brand any person until he or she has informed the patron, in person and in writing, of the following:

(A) The dangers of the procedure to a person who may suffer from certain diseases and/or undergoing certain medical treatments as follows:

1. Impaired kidney and/or liver function;
2. Diabetes;

3. Jaundice within the twelve (12)-month period prior to the procedure;

4. Medication therapy containing a blood thinner; and

5. Medication therapies that are immunocompromising (i.e., weakens the immune system that fights infections).

(B) That the tattoo body piercing and/or branding should be considered permanent, and can only be removed or repaired with a surgical procedure that may leave permanent scarring and disfigurement.

(3) A practitioner may decline to provide service for any lawful reason.

(4) A tattoo, body piercing or branding establishment shall post a sign in a conspicuous place in the establishment stating that no person under the age of eighteen (18) shall be tattooed, body pierced or branded. No practitioner shall knowingly tattoo, brand or perform body piercing on a minor unless he or she obtains the written informed consent of the minor's parent or legal guardian. The minor's parent or legal guardian shall execute the written consent form required pursuant to this subsection in the presence of the practitioner performing the tattooing, branding or body piercing on the minor, or in the presence of an employee or agent of the practitioner.

(5) The practitioner shall verify through proper picture identification that the patron requesting the tattoo, body pierce or brand is at least eighteen (18) years of age.

(6) A practitioner shall not tattoo, body pierce or brand any person who:

(A) Appears to be under the influence of alcohol or drugs; or

(B) Has evident skin lesions or skin infections in the area of the procedure.

(7) Each practitioner shall maintain a record for each patron for a minimum of two (2) years following the completion of the procedure. A patron's record shall include at a minimum all the information required in sections (1) and (2), as well as the name, license number and signature of the practitioner performing the procedure. The practitioner also shall note any adverse effects or difficulties arising from the procedure.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated one thousand five hundred seventy-nine dollars (\$1,579) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note**

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 5 - Standards of Practice
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-5.020 Patrons

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$1,579 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence.
- 2) Expense and equipment costs are incurred for board expenses incurred for mailing correspondence.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 0% | Enforcement - 2% |
|------------------------|----------------|------------------|
| Personal Service | \$0 | \$1,194 |
| Expense and Equipment | \$0 | \$311 |
| Transfers | \$0 | \$74 |
| TOTAL | \$0 | \$1,579 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense & equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 5% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 5—Standards of Practice

PROPOSED RULE

4 CSR 267-5.030 Cleaning and Sterilization

PURPOSE: This rule outlines the proper cleaning and sterilization of equipment used by a tattooist, body piercer or brander.

(1) **Cleaning.**

(A) Reusable equipment used in a tattooing, body piercing and branding procedure shall be cleaned immediately following each use to remove blood and/or body tissue residue prior to sterilization.

(B) Reusable bars, tubes, branding irons, other branding instruments and body piercing equipment shall be placed in a covered container until they are sterilized.

(C) All containers holding contaminated tubes, branding irons, other branding equipment, reusable body piercing equipment and container lids shall be cleaned and disinfected with an approved disinfectant as defined in 4 CSR 267-1.010.

(D) Gloved personnel shall clean bars, tubes, branding irons, other branding equipment, and reusable body piercing equipment prior to sterilization as follows:

1. Manually preclean the items with care taken to ensure removal of residue; thoroughly rinse the items with warm water and then drain the water; clean the items by soaking them in a protein-dissolving detergent-enzyme cleaner used according to the manufacturer's instructions; and clean the items further in an ultrasonic cleaning device that operates at forty to sixty (40–60) hertz and is used according to the manufacturer's instructions; and

2. Rinsing and drying the items.

(E) Prior to autoclaving, all tubes shall be packaged either individually or in quantities appropriate for individual procedures. Packages shall be identifiable and dated.

(2) **Sterilization.**

(A) Equipment requiring sterilization shall be pressure-sterilized at the establishment in an autoclave and in accordance with manufacturer's instructions. Practitioners shall have procedures in place to ensure autoclaves have been properly disinfected and spore-tested as required in subsection (2)(C) of this rule.

(B) Each batch of sterilized equipment shall be monitored for sterilization by use of heat-sensitive indicators capable of indicating approximate time and temperature achieved.

(C) Autoclaves shall be spore-tested at least weekly. Spore kill test effectiveness shall be conducted by an independent laboratory. If a positive spore test is received, the practitioner shall immediately cease using the autoclave device and notify the office within forty-eight (48) hours.

(D) Sterilized equipment shall be wrapped and stored in a manner that ensures it will remain sterile until used.

(E) Each tattoo, body piercing and branding establishment shall maintain sterilization records including spore tests for at least two (2) years from the date of the last entry, which shall include the following information:

1. Date of sterilization;
2. Name of person operating the equipment; and
3. Result of heat-sensitive indicator.

(F) Sterilized equipment shall be resterilized if the package is opened, damaged or becomes wet.

(G) All methods of sterilization other than steam autoclaving are prohibited.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated one thousand five hundred seventy-nine dollars (\$1,579) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated six thousand two hundred fifty dollars (\$6,250) in FY2003, an estimated sixty-four thousand five hundred dollars (\$64,500) in FY2004 and three thousand dollars (\$3,000) in FY2005 and each fiscal year thereafter for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 5 - Standards of Practice
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-5.030 Cleaning and Sterilization

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$1,579 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence.
- 2) Expense and equipment costs are incurred for board expenses incurred for mailing correspondence.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 0% | Enforcement - 2% |
|------------------------|----------------|------------------|
| Personal Service | \$0 | \$1,194 |
| Expense and Equipment | \$0 | \$311 |
| Transfers | \$0 | \$74 |
| TOTAL | \$0 | \$1,579 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 5% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Private Entity Fiscal Note

I. Rule Number

Title: 4 - Department of Economic Development
 Division: 267 - Office of Tattooing, Body Piercing and Branding
 Chapter: 5 - Standards of Practice

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4.CSR.267.5.030 Cleaning and Sterilization

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

FY2003

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|---|---|--|
| 25 | Spore Testing (\$250 annually) | \$6,250.00 |
| | Estimated Cost of Compliance in FY2003 | \$6,250.00 |

FY2004

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|---|---|--|
| 258 | Spore Testing (\$250 annually) | \$64,500.00 |
| | Estimated Cost of Compliance in FY2004 | \$64,500.00 |

FY2005 and Each Fiscal Year Thereafter

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost of compliance with the rule by affected entities: |
|---|--|--|
| 12 | Spore Testing (\$250 annually) | \$3,000.00 |
| | Estimated Cost of Compliance in FY2005 and Each Fiscal Year Thereafter for the Life of the Rule | \$3,000.00 |

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The cost of the spore testing was obtained from the Kansas City School of Dentistry.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing
and Branding**
Chapter 5—Standards of Practice

PROPOSED RULE

4 CSR 267-5.040 Preparation and Care of Site

PURPOSE: This rule outlines the requirements for skin care before and after a tattoo, body piercing or branding procedure is completed on each patron.

(1) Before beginning any procedure regulated pursuant to sections 324.520 to 324.524, RSMo, the tattooist, body piercer or brander shall clean the skin area for the tattooing, body piercing or branding and then prepare the area with an antiseptic. The solution shall be applied with cotton, gauze or single-use toweling.

(2) After the procedure is complete, the practitioner shall provide the patron with verbal and written instructions for the care of the tattoo, pierce or brand.

(3) The practitioner shall wear non-porous, disposable gloves at all times when contact with a patron's skin is required.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated one thousand five hundred seventy-nine dollars (\$1,579) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 5 - Standards of Practice
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-5.040 Preparation and Care of Site

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$1,579 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence.
- 2) Expense and equipment costs are incurred for board expenses incurred for mailing correspondence.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 0% | Enforcement - 2% |
|------------------------|----------------|------------------|
| Personal Service | \$0 | \$1,194 |
| Expense and Equipment | \$0 | \$311 |
| Transfers | \$0 | \$74 |
| TOTAL | \$0 | \$1,579 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense & equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 5% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 6—Complaints and Investigations

PROPOSED RULE

4 CSR 267-6.010 Enforcement

PURPOSE: This rule outlines the authority of the office/division personnel to inspect establishments.

(1) Access. An authorized employee or agent of the division, upon proper identification, shall be permitted to enter any tattoo, body piercing and/or branding establishment at any reasonable time to determine if the establishment and its practitioners are in compliance with Missouri statutes and regulations. The division's employee or agent shall be permitted to examine the records of the establishment, to obtain information about supplies purchased, received or used, sterilization records and information regarding patrons who received tattoos, body piercings or branding. Any records requested by the division's employee or agent may be copied at the establishment operator's expense.

(2) Enforcement Policy. Order to correct violations. If upon inspection of a tattoo, body piercing or branding establishment, the division's employee or agent finds that a tattoo, body piercing or branding establishment is not properly equipped or operated as required pursuant to sections 324.520 to 324.524, RSMo and the regulations promulgated thereunder, the division's employee or agent shall notify the operator in writing. The notice shall include an order that directs the operator to make specified changes that will bring the establishment into compliance with the standards established by statute and regulations and stipulate the time period within which compliance is required. If the order to correct violations is not carried out by the expiration of the time period stipulated, or any reasonable extension of the time granted for compliance, the failure to comply shall be cause for discipline.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated twenty-three thousand six hundred eighty-six dollars (\$23,686) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note**

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 6 - Complaints and Investigations
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-6.010 Enforcement

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$23,686 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence.
- 2) Expense and equipment costs are incurred for board expenses incurred for mailing correspondence.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 0% | Enforcement - 30% |
|------------------------|----------------|-------------------|
| Personal Service | \$0 | \$17,916 |
| Expense and Equipment | \$0 | \$4,667 |
| Transfers | \$0 | \$1,103 |
| TOTAL | \$0 | \$23,686 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified, licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 40% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 5—Complaints and Investigations

PROPOSED RULE

4 CSR 267-6.020 Public Complaint Handling and Disposition

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to section 620.010.15(6), RSMo.

(1) The Division of Professional Registration shall receive and process each complaint made against any licensed practitioner and/or establishment in which the complaint alleges certain acts or practices may constitute one (1) or more violations of the provisions in sections 324.520 to 324.524, RSMo, or the regulations promulgated thereunder. Any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Written complaints shall be submitted to the Division of Professional Registration. Complaints may be based upon personal knowledge or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address, if available. Verbal or telephone communication will not be considered or processed as a complaint, however, the person making such communication will be asked to supplement the communication with a written complaint.

(4) Each complaint received under this rule will be logged and maintained by the division. The log will contain a record of each complainant's name, if available; the name and address of the subject(s) of the complaint, if available; the date each complaint is received by the office; a brief statement concerning the alleged acts or practices; a notation including whether the complaint was dismissed or disciplinary action pursued; and the ultimate disposition of the complaint. This log shall be a closed record of the office.

(5) Each complaint received under this rule shall be acknowledged in writing within thirty (30) days. The complainant and licensee or establishment shall be notified of the ultimate disposition of the complaint.

(6) Failure of a licensee to respond in writing, within thirty (30) days from the date of the division's written request or inquiry, mailed to the licensee's address currently registered with the office, shall be sufficient grounds for taking disciplinary action against that licensee.

(7) This rule shall not be deemed to limit the division's authority to file a complaint with the Administrative Hearing Commission charging the licensee or establishment with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary complaint filed with the division.

(8) The division interprets this rule to exist for the benefit of those members of the public who submit complaints. This rule is not deemed to protect, or inure to the benefit of those licensees, or other persons against whom the division has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.520 to 324.524, RSMo.

AUTHORITY: section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.

PUBLIC COST: This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated fifteen thousand seven hun-

dred ninety dollars (\$15,790) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note**

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding
Chapter: 6 - Complaints and Investigations
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 267-6.020 Public Complaint Handling and Disposition

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$15,790 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence.
- 2) Expense and equipment costs are incurred for board expenses incurred for mailing correspondence.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 0% | Enforcement - 20% |
|------------------------|----------------|-------------------|
| Personal Service | \$0 | \$11,944 |
| Expense and Equipment | \$0 | \$3,111 |
| Transfers | \$0 | \$735 |
| TOTAL | \$0 | \$15,790 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense & equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 40% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 267—Office of Tattooing, Body Piercing and
Branding**
Chapter 6—Discipline

PROPOSED RULE

4 CSR 267-6.030 Initiation of Disciplinary Proceedings

PURPOSE: *This rule sets forth the basis upon which the division may refuse to issue or renew or may otherwise discipline the holder of any certificate of registration or authority, permit or license required pursuant to sections 324.520 to 324.524, RSMo, and these rules.*

(1) The division may refuse to issue, renew or cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required pursuant to sections 324.520 to 324.524, RSMo, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(A) Use or illegal possession of any controlled substance, as defined in Chapter 195, RSMo; use of an alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession that is licensed or regulated under Missouri law;

(B) Final adjudication and finding of guilt, or the entrance of a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession that is licensed or regulated pursuant to sections 324.520 to 324.524, RSMo and the regulations promulgated thereunder, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(C) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license;

(D) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(E) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession that is licensed or regulated hereunder;

(F) Violation of, or assisting or enabling any person to violate, any provision of sections 324.520 to 324.524, RSMo, or of any lawful rule or regulation adopted thereunder;

(G) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(H) Disciplinary action brought against the holder of a license or other right to practice any profession regulated pursuant to sections 324.520 to 324.524, RSMo, granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(I) Final adjudication by a court of competent jurisdiction that a person is insane or incompetent;

(J) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated pursuant to sections 324.520 to 324.524, RSMo, who is not licensed and is currently ineligible to practice;

(K) Causing the division to issue a certificate of registration or authority, permit or license based upon a material mistake of fact;

(L) Failure to display a valid license;

(M) Violation of any professional trust or confidence;

(N) Use of any advertisement or solicitation that is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(O) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof.

(2) After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of Chapter 621, RSMo. Upon a finding by the Administrative Hearing Commission that the grounds, provided in section (1), for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five (5) years, or may suspend, for a period not to exceed three (3) years, or revoke the license, certificate, or permit.

AUTHORITY: *section 324.522, RSMo Supp. 2001. Original rule filed Aug. 15, 2002.*

PUBLIC COST: *This proposed rule will cost the Office of Tattooing, Body Piercing and Branding an estimated eleven thousand eight hundred forty-three dollars (\$11,843) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102 or by facsimile at (573) 526-3489. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Department of Economic Development
Division of Professional Registration
Office of Tattooing, Body Piercing and Branding
Public Entity Fiscal Note**

I. Rule Number

Title: 4 - Department of Economic Development
Division: 267 - Office of Tattooing, Body Piercing and Branding

Chapter: 6 - Complaints and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 267-6.030 Initiation of Disciplinary Proceedings

Prepared July 26, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|---|
| Office of Tattooing, Body Piercing and Branding | \$11,843 |

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence.
- 2) Expense and equipment costs are incurred for board expenses incurred for mailing correspondence.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 - Estimated Cost of Compliance by Category of Allocation

| Category of Allocation | Licensure - 0% | Enforcement - 15% |
|------------------------|----------------|-------------------|
| Personal Service | \$0 | \$8,958 |
| Expense and Equipment | \$0 | \$2,333 |
| Transfers | \$0 | \$552 |
| TOTAL | \$0 | \$11,843 |

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Tattooing, Body Piercing and Branding were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule, may vary with inflation, and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 20% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 80% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2 - Allocation of Personal Service Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$74,649 | 20% - Licensure | \$14,930 |
| \$74,649 | 80% - Enforcement | \$59,719 |

Table 3 - Allocation of Expense and Equipment Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$19,445 | 20% - Licensure | \$3,889 |
| \$19,445 | 80% - Enforcement | \$15,556 |

Table 4 - Allocation of Transfer Dollars

| Allotment | Percentage & Category | Dollar Amount |
|-----------|-----------------------|---------------|
| \$4,597 | 20% - Licensure | \$919 |
| \$4,597 | 80% - Enforcement | \$3,677 |

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 40% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 80—Teacher Quality and Urban Education
Chapter 800—[*Teacher Certification and Professional
Conduct and Investigations*] Educator Licensure**

PROPOSED AMENDMENT

5 CSR 80-800.200 Application for Certificate of License to Teach. The State Board of Education is proposing to amend sections (1)–(5), (9), and (10) and add a new section (6).

PURPOSE: This amendment updates certification requirements in the *Compendium of Missouri Certification Requirements*, changes language for consistency among the rules, and makes new legislative changes for out-of-state teachers with five (5) years experience in the same teaching area.

(1) An applicant for a Missouri certificate of license to teach who possesses good moral character and has successfully completed a state-approved teacher preparation program or earned a Doctor of Philosophy degree may be granted an initial Missouri certificate of license to teach in their major area of study subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements (compendium)* which is incorporated by reference and made a part of this rule.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (*the board*) and may be obtained by writing the [*Teacher Certification*] Educator Licensure Section of the Department of Elementary and Secondary Education (*DESE*) at P.O. Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or *[department] DESE* staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to *[the department] DESE*.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to *[the department] DESE*, including information regarding any disciplinary action.

(5) An applicant for a Missouri certificate of license to teach who has successfully completed a state-approved teacher preparation program and does not possess five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state, must comply with the following additional criteria:

(D) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted to *[the Department of Elementary and Secondary Education (/DESE)]*.

(6) An applicant for a Missouri certificate of license to teach who possesses a valid certificate of license to teach from another state; possesses good moral character; and has five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state may be granted a

Missouri certificate of license to teach upon completion of the following:

- (A) Five (5) years teaching in Missouri public schools; and
- (B) Submission of two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.

(/6) (7) In addition to the above criteria, an applicant for a Missouri certificate of license to teach who has successfully obtained certification by the National Board for Professional Teaching Standards (NBPTS) and possesses good moral character may be granted a Missouri certificate of license to teach in their area of NBPTS certification most closely aligned with the current areas of certification approved by the board. The certificate of license to teach will be a professional classification II (PC II) or a continuous professional classification (CPC), if the applicant possesses a master's degree.

(/7) (8) An applicant for an initial Missouri certificate of license to teach who has earned a Doctor of Philosophy degree (Ph.D.) from an institution of higher education accredited by a regional accreditation agency including but not limited to North Central Association of Colleges and Schools must comply with the following additional criteria:

(A) The applicant must have completed and provide documentation of a valid Ph.D. degree being conferred in their major area of post-graduate study; and

(B) The applicant may only be granted a professional classification I (PC I) level and/or a PC II level certificate of license to teach pursuant to the rules promulgated by the board. A CPC level certificate of license to teach will not be issued.

(/8) (9) Additional certificates of license to teach may be granted as follows:

(A) The applicant may take the appropriate content knowledge or specialty area exit assessment(s) for certification and must achieve a score equal to or in excess of the qualifying score on the content knowledge or specialty area exit assessment(s) as defined in the rules promulgated by the board; or

(B) If the board has not designated a content knowledge or specialty area exit assessment(s) for a particular certification area or grade level or the applicant chooses not to take the appropriate content knowledge or specialty area exit assessment(s), the applicant must meet the certification standards for the area of certification as set forth in the *[Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] compendium*.

(/9) (10) Following review by *[the department] DESE*, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(/10) (11) The holder of a certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a certificate of license to teach whose name is changed by marriage or court order shall notify *[the department] DESE* within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a certificate of license to teach whose address has changed shall inform *[the department] DESE* in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections 168.011, 168.021, 168.405 and 168.409, RSMo 2000 and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002. Original rule filed April 26, 2000, effective Nov. 30,

*2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001.
Amended: Filed Aug. 13, 2002.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education Chapter 800—[Teacher Certification and Professional Conduct and Investigations] Educator Licensure

PROPOSED AMENDMENT

5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators. The State Board of Education is proposing to amend sections (1), (2), (3), (6), (7), (14), subsections (12)(C), (13)(B), (13)(C), (15)(C), (23)(A) and (23)(B).

PURPOSE: *This amendment updates certification requirements in the Compendium of Missouri Certification Requirements and changes language for consistency among the rules.*

(1) An applicant for an administrator may be granted an administrator certificate of license to teach in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements (compendium)* which is incorporated by reference and made a part of this rule and criteria established in the rules promulgated by the **State Board of Education** (the board), to an individual who possesses good moral character:

(2) Applications for an administrator Missouri certificate of license to teach shall be submitted on the forms provided by the *[State Board of Education] board* and may be obtained by writing the *[Teacher Certification] Educator Licensure* Section of the Department of Elementary and Secondary Education (**DESE**) at P.O. Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or *[department] DESE* staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to *[the department] DESE*.

(6) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s) as defined in the rules promulgated by the board. The official score report shall be submitted

to *[the Department of Elementary and Secondary Education (DESE)]*.

(7) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to *[the department] DESE*, including information regarding any disciplinary action.

(12) The applicant for an administrator certificate of license to teach as a vocational director must comply with the following additional criteria:

(C) The applicant must possess two (2) years of full-time teaching experience at the *[level]* grade seven (7)—adult **level**, as approved by *[the department] DESE* or two (2) years of full-time experience at grade seven (7) through adult level other than teaching.

(13) An applicant for a Missouri administrator certificate of license to teach who possesses a valid administrator certificate of license to teach from another state and possesses good moral character may be granted a Missouri administrator certificate of license to teach.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to *[the department] DESE*, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to *[the department] DESE*.

(14) Following review by *[the department] DESE*, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(15) An administrator certificate of license to teach may be issued for a principal for a period of five (5) years and may be renewed once for an additional five (5) years. The requirements for renewal are as follows:

(C) Submission of a letter from the designated certification official at a state-approved college or university that the individual has completed the fifteen (15) hours toward/s/ their educational specialist or doctoral degree with a major emphasis in educational administration.

(23) The holder of an administrator certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an administrator certificate of license to teach whose name is changed by marriage or court order shall notify *[the department] DESE* within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an administrator certificate of license to teach whose address has changed shall inform *[the department] DESE* in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: *sections 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002 and 168.011, 168.021, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education Chapter 800—[Teacher Certification and Professional Conduct and Investigations] Educator Licensure

PROPOSED AMENDMENT

5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach. The State Board of Education is proposing to amend sections (1)-(4), (14), subsections (5)(D), (6)(C), (8)(C), (25)(A), (25)(B) and adds new sections (13), (16) and (27).

PURPOSE: This amendment updates certification requirements in the Compendium of Missouri Certification Requirements, changes language for consistency among the rules, makes new legislation changes for out-of-state teachers with five (5) years experience in the same teaching area and adds the requirements for a new certificate of license to teach as a speech-language pathologist.

(1) An applicant for a student services certificate of license to teach may be granted in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements (compendium)* which is incorporated by reference and made a part of this rule and the criteria established in the rules promulgated by the **State Board of Education** (the board), to an individual who possesses good moral character:

(B) School Psychological Services Personnel:

1. School psychological examiner, grades K-12; and/or
2. School psychologist, grades K-12; *and/or*

(C) Vocational Services Personnel:

1. Vocational adult education supervisor;
2. Post-secondary vocational counselor (excluding K-12);
3. Placement coordinator; and/or
4. Vocational evaluator./; and/or

(D) Speech-Language Services Personnel:

1. Speech-language pathologist, grades K-12.

(2) Applications for a student services Missouri certificate of license to teach shall be submitted on the forms provided by the *State Board of Education* board and may be obtained by writing the *[Teacher Certification] Educator Licensure* Section of the Department of Elementary and Secondary Education (DESE) at P.O./Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or *[department] DESE* staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to *[the department] DESE*.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to *[the department] DESE*, including information regarding any disciplinary action.

(5) The applicant for a student services certificate of license to teach as a school counselor or advanced school counselor must comply with the following additional criteria:

(D) *[Beginning September 1, 2001, t]*The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to *[the Department of Elementary and Secondary Education (DESE)]*.

(6) The applicant for a student services certificate of license to teach as an advanced school counselor must comply with the following additional criteria:

(C) *[Beginning September 1, 2001, t]*The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(8) The applicant for a student services certificate of license to teach as a school psychologist must comply with the following additional criteria:

(C) *[Beginning September 1, 2001, t]*The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to DESE.

(13) The applicant for a student services certificate of license to teach as a speech-language pathologist must comply with the following additional criteria:

(A) The applicant must possess a master's or higher degree from a state-approved program for speech-language pathologists;

(B) The applicant must possess a valid unencumbered, undisciplined Missouri license as a speech-language pathologist from the State Board of Registration for the Healing Arts; and

(C) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to DESE.

[(13)] (14) Additional certificates of license to teach may be granted pursuant to rules promulgated by the board.

[(14)] (15) An applicant for a Missouri student services certificate of license to teach who possesses a valid certificate of license to teach from another state closely aligned to a current certification area approved by the board; *and* possesses good moral character **but does not possess five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state** may be granted a Missouri certificate of license to teach.

(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a

certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to *[the department]* DESE, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to *[the department]* DESE.

(16) An applicant for a Missouri student services certificate of license to teach who possesses a valid certificate of license to teach from another state, possesses good moral character and has five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state may be granted a Missouri student services certificate of license to teach upon completion of the following:

(A) Five (5) years teaching experience in Missouri public schools; and

(B) Submission of two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.

/(15)/ (17) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

/(16)/ (18) A student services certificate of license to teach may be issued for a school counselor, school psychological examiner and/or school psychologist for a period of five (5) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor, school psychological examiner, or school psychologist in a school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by DESE; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university; or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors, school psychological examiners, or school psychologists.

/(17)/ (19) A student services certificate of license to teach may be issued for an advanced school counselor for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor in school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by DESE; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to counselors from a state-approved college or university appropriate to school counselors or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors.

/(18)/ (20) If a school counselor, advanced school counselor, school psychological examiner, and/or school psychologist seeks to renew their student services certificate of license to teach, however, the individual has not been employed in a school setting, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing eight (8) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university.

/(19)/ (21) A student services certificate of license to teach may be issued for a vocational adult education supervisor, for a period of five (5) years and may be renewed once by meeting the following criteria:

(A) Completion of a planned program of graduate credit focused upon general and vocational administration from a state-approved college or university to prepare vocational adult education supervisors. The planned program shall include a minimum of fifteen (15) hours of approved graduate credit, which meet the competencies identified for the certificate of license to teach;

(B) Confirmed attendance at three (3) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

/(20)/ (22) A ten (10)-year student services certificate of license to teach as a vocational adult education supervisor may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Confirmed attendance at eight (8) vocational education conferences;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(C) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

/(21)/ (23) The ten (10)-year student services certificate of license to teach as a vocational adult education supervisor may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school supervision during the previous ten (10) years;

(B) Confirmed attendance at eight (8) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours;

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of two (2) graduate semester hours related to adult vocational education.

/(22)/ (24) A nonrenewable student services certificate of license to teach may be issued for a post-secondary vocational counselor for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a post-secondary vocational counselor may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of two (2) years out of the previous five (5) years experience in counseling at the post-secondary level;

(B) Successful completion of a course in vocational education (if not taken as part of the individual's master's or higher level program);

(C) Confirmed attendance at eight (8) vocational education conferences; and

(D) Completion of one (1) of the following requirements:

1. Attendance at eight (8) professional workshops/seminars totaling fifteen (15) clock hours, appropriate for post-secondary counselors servicing individuals enrolled in vocational education; or

2. Completion of six (6) hours of graduate credit appropriate for post-secondary counselors.

/(25) (25) A nonrenewable student services certificate of license to teach may be issued for a placement coordinator for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a placement coordinator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of a Missouri certificate of license to teach as a counselor or in a vocational-technical area;

(B) Possession of two (2) years out of the previous five (5) years experience as a placement coordinator;

(C) Successful completion of a course in vocational education (if not taken as part of the individual's master's or higher level program); and

(D) Confirmed attendance at eight (8) vocational education conferences.

/(26) (26) A nonrenewable student services certificate of license to teach may be issued for a vocational evaluator for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a vocational evaluator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Completion of two (2) years full-time employment as a vocational evaluator;

(B) Completion of the following course work:

1. Standardized testing;

2. Occupational information or job analysis; and

3. Two (2) courses with a primary focus in at least one (1) of the following content areas:

A. Philosophy and process of vocational evaluation and assessment;

B. Individualized vocational evaluation planning;

C. Vocational evaluation report development and communication;

D. Work samples and systems;

E. Situational and community-based assessment;

F. Behavioral observation;

G. Functional aspects of disability;

H. Vocational interviewing;

I. Assessment of learning;

J. Functional skills assessment; and/or

K. Modifications and accommodations.

(27) A student services certificate of license to teach may be issued for a speech-language pathologist for a period of five (5) years and may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Written request for renewal; and

(B) Verification of a valid, unencumbered and undisciplined Missouri license as a speech-language pathologist from the Missouri Board of Registration for the Healing Arts.

/(25) (28) The holder of a student services certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a student services certificate of license to teach whose name is changed by marriage or court order shall notify *[the department]* DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a student services certificate of license to teach whose address has changed shall inform *[the department]* DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002 and 168.011 and 168.021, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education

Chapter 800—*[Teacher Certification and Professional Conduct and Investigations] Educator Licensure*

PROPOSED AMENDMENT

5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach. The State Board of Education is proposing to amend sections (2)–(7), (9), (10) and adding new sections (7), (8), (10) and (11).

PURPOSE: This amendment updates certification requirements in the *Compendium of Missouri Certification Requirements*, changes language for consistency among the rules, makes legislation changes for a temporary authorization administrator's certificate of license to teach and adds a temporary authorization speech implementor's certificate of license to teach.

(2) Applications for a Missouri temporary authorization certificate shall be submitted on the forms provided by the State Board of Education (**the board**) and may be obtained by writing the *[Teacher Certification] Educator Licensure* Section at the Department of Elementary and Secondary Education (**DESE**) at PO Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or *[department]* DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and

any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to *[the department]* DESE.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to *[the department]* DESE, including information regarding any disciplinary action.

(5) The employing Missouri public school district or accredited non-public school must develop a mentoring program to provide adequate support to the holder of the temporary authorization certificate to ensure proper transition into the classroom **or administrative** environment.

(6) The applicant for a temporary authorization certificate (**excluding a temporary authorization administrator's or speech implementor's certificate**) must comply with the following criteria:

(C) Submission of a joint application verifying contracted employment with a Missouri public school district or accredited non-/public school;

(D) If this is the applicant's initial certificate of license to teach, documentation of a plan of an academic program of study from a state-approved teacher preparation program must be submitted. If the applicant holds an initial Missouri professional or life certificate of license to teach and is seeking an additional certificate of license to teach, a transcript analysis from *[the Department of Elementary and Secondary Education (DESE)]* based on the requirements set forth in the *Compendium of Missouri Certification Requirements (compendium)* which is incorporated by reference and made a part of this rule must be submitted; and

(E) The temporary authorization certificate will not include the areas of elementary education, grades one through six (1-6); early childhood, grades birth through three (B-3); **and** early childhood special education, grades birth through three (B-3) *[I; and administration]*. Applicants for the areas of driver's education, English for speakers of other languages, gifted, and special reading must hold a certificate of license to teach or must also submit an academic program of study for a certificate of license to teach in a stand-alone area, as these areas cannot stand alone.

(7) The applicant for a temporary authorization administrator's certificate for a building-level administrator must comply with the following criteria:

(A) Possession of a valid Missouri certificate of license to teach;

(B) Completion of five (5) years teaching experience at the appropriate grade levels for which the temporary authorization administrator's certificate is sought in a public school or an accredited nonpublic school, or a combination of such schools;

(C) Possession of a master's degree or currently enrolled in a state-approved master's degree program for the preparation of an administrator; and

(D) Submission of a joint application verifying contracted employment with a Missouri public school district or accredited nonpublic school.

(8) The applicant for a temporary authorization speech implementor's certificate must comply with the following criteria:

(A) Possession of a baccalaureate degree in communication disorders from an accredited college or university; and

(B) Submission, annually by the school district recommending the applicant for certification and approval by the Division of Special Education to use the speech implementor service delivery model.

[(7)] (9) The temporary authorization certificate (**excluding a temporary authorization administrator's or speech implementor's certificate**) is valid for up to one (1) school year. It may be renewed annually by joint application from the certificate holder and the employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

[(A) Completion of nine (9)-semester hours of course work towards the professional teaching certificate of license to teach in the area of assignment. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach;]

[(B)] (A) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

[(C)] (B) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school; *[and]*

[(D)] (C) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited non-public school<./>; and

(D) One of the following:

1. Completion of nine (9) semester hours of course work toward the professional certificate of license to teach in the area of assignment. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach; or

2. Completion of six (6) semester hours of course work toward the professional certificate of license to teach in the area of assignment and successful completion of the Missouri New Teacher Institute. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach.

(10) The temporary authorization administrator's certificate is valid for up to one (1) school year and may only be renewed annually for four (4) subsequent years. It may be renewed by joint application from the certificate holder and the employing Missouri public school district upon demonstration of the following:

(A) Continued contracted employment as a building-level administrator with a Missouri public school district or accredited nonpublic school;

(B) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited non-public school; and

(C) Completion of nine (9) semester hours of course work toward the administrator's certificate of license to teach. The appropriate hours will be determined by the state-approved program for the preparation of an administrator's certificate of license to teach.

(11) The temporary authorization speech implementor's certificate is valid for up to one (1) school year and may be renewed annually by joint application from the certificate holder and the employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

(A) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

(B) Approval from the Division of Special Education to use the speech implementor model;

(C) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(D) Verification of training provided by the supervising speech therapist and/or speech-language pathologist or specialist for the activities that the speech implementor is assigned; and

(E) Completion of nine (9) semester hours of course work toward the completion of a teacher preparation program.

((8)) (12) The applicant shall be informed in writing of the decision regarding the application for a temporary authorization certificate.

((9)) (13) The holder of a temporary authorization certificate shall ensure that DESE has their current legal name and address.

(A) A holder of a temporary authorization certificate whose name is changed by marriage or court order shall notify */the department/ DESE* within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a temporary authorization certificate whose address has changed shall inform */the department/ DESE* in writing of the change within ninety (90) days of the effective date of the change.

((10)) (14) All Missouri public school districts are required to disclose the certification status of teachers holding temporary authorization certificate of license to teach by public notice in a form established by the */State Board of Education/ board* and consistent with applicable state laws and regulations.

AUTHORITY: sections 161.092, 168.071, 168.081 and **168.083, RSMo Supp. 2002 and 168.011, 168.021, RSMo 2000.** Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education

Chapter 800—*/Teacher Certification and Professional Conduct and Investigations/ Educator Licensure*

PROPOSED AMENDMENT

5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach. The State Board of Education is proposing to amend sections (2), (3), and (5)–(11).

PURPOSE: This amendment updates certification requirements in the *Compendium of Missouri Certification Requirements* and changes language for consistency among the rules.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (**the board**) and may be obtained by writing and should be submitted to the coordinator for Vocational Technical Education, or for Junior

Reserve Officer Training Corps (ROTC) certificates to the */Teacher Certification/ Educator Licensure* Section, Missouri Department of Elementary and Secondary Education (**DESE**) at P.O. Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or */department/ DESE* staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to */the department/ DESE*.

(5) The applicant must comply with the specific requirements for the various vocational-technical certificates of license to teach as set forth in the *Compendium of Missouri Certification Requirements (compendium)* which is incorporated by reference and made a part of this rule.

(6) If the applicant seeks a vocational-technical certificate of license to teach from */the department/ DESE* in an area which Missouri currently issues a professional license or certification, the applicant must possess a valid, unencumbered, undisciplined professional license or certificate from the professional licensing entity within Missouri.

(7) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to */the department/ DESE*, including information regarding any disciplinary action.

(8) Following review by */the department/ DESE*, the applicant shall be informed in writing of the decision regarding the application for a vocational-technical certificate of license to teach.

(9) The holder of a vocational-technical certificate of license to teach shall ensure that */the Department of Elementary and Secondary Education/ DESE* has their current legal name and address.

(A) A holder of a vocational-technical certificate of license to teach whose name is changed by marriage or court order shall notify */the department/ DESE* within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a vocational-technical certificate of license to teach whose address has changed shall inform */the department/ DESE* in writing of the change within ninety (90) days of the effective date of the change.

(10) The following vocational-technical certificates of license to teach may be issued and renewed as set forth in the */Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule/ compendium*:

(11) When an individual's vocational-technical certificate of license to teach has expired for thirty (30) days, the individual must meet current requirements as set forth in the *Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule/ compendium*.

AUTHORITY: sections 168.071, 168.081 and 161.092, **RSMo Supp. 2002, 168.011 and 168.021, RSMo 2000.** Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education **Chapter 800—[Teacher Certification and Professional Conduct and Investigations] Educator Licensure**

PROPOSED AMENDMENT

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach. The State Board of Education is proposing to amend sections (2), (3), (4), (7) and (11) and subsections (8)(C) and (10)(B).

PURPOSE: This amendment updates language for consistency among the certification rules.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (**the board**) and may be obtained by writing and should be submitted to the Director for Adult Education, Missouri Department of Elementary and Secondary Education (**DESE**) at P.O. Box 480, Jefferson City, MO 65102.

(3) An application is not considered officially filed with the board until it has been determined by the board or *[the department]* DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to the adult education section of *[the department]* DESE.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to the adult education section of *[the department]* DESE, including information regarding any disciplinary action.

(7) Following review by *[the department]* DESE, the applicant shall be informed in writing of the decision regarding the application for an AEL certificate of license to teach.

(8) An AEL-I certificate of license to teach may be issued for a period of three (3) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(C) Successful completion of one (1) in-service per year, approved by the adult education section of *[the department]* DESE.

(10) An AEL-II certificate of license to teach may be renewed an unlimited number of times by individuals meeting the following requirements:

(B) Successful completion of one (1) in-service per year, approved by the adult education section of *[the department]* DESE.

(11) The holder of an AEL certificate of license to teach shall ensure that *[the Department of Elementary and Secondary Education]* DESE has their current legal name and address.

(A) A holder of an AEL certificate of license to teach whose name is changed by marriage or court order shall notify the adult education section of *[the department]* DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an AEL certificate of license to teach whose address has changed shall inform the adult education section of *[the department]* DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.071 and 168.081, RSMo Supp. 2002, and 168.011 and 168.021, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education **Chapter 800—[Teacher Certification and Professional Conduct and Investigations] Educator Licensure**

PROPOSED AMENDMENT

5 CSR 80-800.300 Discipline and Denial of Certificates of License to Teach. The State Board of Education is proposing to amend the purpose and sections (1)–(7) and add new sections (2) and (3).

PURPOSE: This amendment makes legislative changes pursuant to Senate Bill 722 to the professional conduct and investigations procedures.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state, under the provisions of section 168.021.1, RSMo and to establish requirements and qualifications for those certificates and cause those certificates to be revoked, suspended, invalidated or deleted in a manner provided in section 168.071, RSMo. This rule establishes procedures for action by the State Board of Education.

(1) The State Board of Education (**the board**) may suspend or revoke discipline, refuse to issue, or renew a certificate of license to teach upon satisfactory proof of a conviction of a felony or crime involving moral turpitude whether or not sentence

is imposed, upon charges being filed by the Department of Elementary and Secondary Education or the school district's local board of education, or upon charges being filed by the school district's local board of education for incompetency, cruelty, immorality, drunkenness, neglect of duty or the annulling of a written contract with the local board of education without the consent of the majority of members of the board which is a party to the contract. Charges may be filed by the attorney general if the school district has been identified as financially stressed pursuant to section 161.520, RSMo. All charges must be in writing.] for any one or combination of the following:

(A) An individual has pled guilty or been found guilty of a felony or crime involving moral turpitude whether or not sentence is imposed;

(B) Certification was obtained through the use of fraud, deception, misrepresentation or bribery;

(C) Evidence of the certificate holder's incompetence, immorality, or neglect of duty;

(D) The certificate holder has been subject to disciplinary action relating to certification in another state upon grounds for which discipline is authorized in Missouri; and/or

(E) A certificate holder annulled a written contract with the local board of education for reasons other than election to the general assembly, without the consent of the majority of the local board members.

(2) School districts may file charges pursuant to section (1).

(A) Charges must be **in writing** and signed by the chief administrative officer of the district or by the president of the board when so authorized by a majority of the board, *if appropriate,* in those instances where the charges are filed by or on behalf of the school district's local board of education.

(B) Charges filed by or on behalf of the school district's local board of education must be sworn by the party(ies) making the accusation, and filed with the Department of Elementary and Secondary Education (DESE).

(C) Charges may be filed by the attorney general's office on behalf of the school district for any one or combination of the causes in section (1) except annulment of a written contract.

(3) DESE may file charges for any one or combination of the causes in section (1), other than annulment of a written contract.

(A) Charges must be **in writing** and signed by legal counsel.

(/2)] (4) Upon receipt of charges made pursuant to section 168.071, RSMo and filed with DESE, DESE shall provide at least thirty (30) days notice to the parties and may conduct a hearing.

*(/3)] (5) Except as provided in sections *(/4)] (6)* and *(/5)] (7)*, the commissioner of education, or his/her designee(s) (**hearing officer**), shall conduct all hearings *resulting from conviction of a felony, a crime involving moral turpitude and/or other crime whether or not sentence is imposed,* on charges filed to *revoke or suspend* discipline a certificate(s) of license to teach as provided in section 168.071, RSMo. A transcript of the hearing along with findings of fact and conclusions of law will be forwarded to the members of the *[State Board of Education] board.* The *[State Board of Education] board*, at a regular meeting, will render a decision based upon the transcript of the hearing, exhibits and any other information presented at the meeting.*

(A) Where the underlying conduct or action of the certificate holder is the basis of charges filed and such conduct or action is subject to pending criminal charges, the certificate holder may request in writing a delayed hearing on advice of his/her legal representation under the fifth amendment of the *Constitution of the United States.*

1. The request shall be submitted to the *[commissioner of education, or his/her designee(s)] hearing officer*, by the certificate holder or by legal counsel.

2. The request shall provide documentation of the pending criminal charge and contain a statement specifying what underlying conduct or actions are subject to the pending criminal charge.

(B) The *[commissioner of education, or his/her designee(s)] hearing officer* shall, based upon the *[application]* request, suspend the hearing process until *[final disposition of]* a trial is completed on the criminal charges *[relating to the underlying conduct or actions relating to the charges filed].*

(C) The hearing officer may accept into the hearing record sworn testimony of a minor child relating to misconduct received in any court or administrative hearing.

/(/4)] (6) Upon documentation from a court of a plea of guilty or conviction of the following crime(s) whether or not sentence is imposed, an individual's certificate of license to teach shall be revoked, or in the case of an applicant, not issued:

- (A) Murder 1st Degree;
- (B) Murder 2nd Degree;
- (C) Arson 1st Degree;
- (D) Assault 1st Degree;
- (E) Forcible Rape;
- (F) Forcible Sodomy;
- (G) Kidnapping;
- (H) Robbery 1st Degree;
- (I) Rape;
- (J) Statutory Rape 1st Degree;
- (K) Statutory Rape 2nd Degree;
- (L) Sexual Assault;
- (/M) Forcible Sodomy;]*
- (/N)] (M) Statutory Sodomy 1st Degree;*
- (/O)] (N) Statutory Sodomy 2nd Degree;*
- (/P)] (O) Child Molestation 1st Degree;*
- (/Q)] (P) Child Molestation 2nd Degree;*
- (/R)] (Q) Deviate Sexual Assault;*
- (/S)] (R) Sexual Misconduct Involving a Child;*
- (/T)] (S) Sexual Misconduct 1st Degree;*
- (/U)] (T) Sexual Abuse;*
- (/V)] (U) Incest;*
- (/W)] (V) Abandonment of Child 1st Degree;*
- (/X)] (W) Abandonment of Child 2nd Degree;*
- (/Y)] (X) Endangering the Welfare of a Child 1st Degree;*
- (/Z)] (Y) Abuse of Child;*
- (/AA)] (Z) Child Used in a Sexual Performance;*
- (/BB)] (AA) Promoting Sexual Performance by a Child;*
- (/CC)] (BB) Trafficking in Children; and*
- (/DD)] (CC) Offenses Involving Child Pornography and Related Offenses/—:]*

1. Promoting obscenity */in* 1st degree;
2. Promoting obscenity */in* 2nd degree if penalty is enhanced to Class D Felony;

- 3. Promoting child pornography */in* 1st degree;
- 4. Promoting child pornography 2nd degree;
- 5. Possession of child pornography **1st degree;**
- 6. Possession of child pornography **2nd degree;**
- 7. **Furnishing child pornography to a minor;**
- /6.] 8. Furnishing pornographic materials to minors;*
- /7.] 9. Coercing acceptance of obscene material; and*
- 8. Sale or rental to persons under seventeen (17)].*

*(/5)] (7) An individual who has had their certificate(s) of license to teach revoked pursuant to section *(/4)](6)* may appeal, in writing, said revocation to the commissioner of education within *[thirty (30)] ninety (90) days of notice of the revocation. Upon receiving the intent to appeal, a hearing will be held before a hearing officer *[designated by the commissioner of education].* The individual will be**

given not less than thirty (30) days notice of the hearing, the opportunity to be heard, and the opportunity for witnesses. A transcript of the hearing along with findings of fact and conclusions of law will be forwarded to the members of the *[State Board of Education] board*. The *[State Board of Education] board*, at a regular meeting, will render a decision based upon the transcript of the hearing, exhibits and any other information presented at the meeting. The *[State Board of Education's] board*'s decision may be appealed to the circuit court as provided in section *[(7)] (9)*.

[(A) Testimony from a minor child shall not be required. The hearing officer shall accept into the record the transcript of any testimony admitted at a court hearing of a child involved in an offense listed in section (4).]

[(6)] (8) The [State Board of Education] board may suspend or revoke for a specified time, or indefinitely, a certificate of license to teach pursuant to the rules promulgated by the board. The board may also accept a voluntary surrender or informally settle a case through a consent agreement or agreed settlement.

*[(7)] (9) Within thirty (30) days of the *[State Board of Education's] board*'s final decision, an individual may *appeal to the Circuit Court of Cole County. The appeal shall be de novo and heard with a jury, except in cases of charges of immorality involving a minor child where such case is heard by the court without a jury. Testimony of the minor child shall be taken from the hearing record presented to the State Board of Education.] file a petition for judicial review pursuant to sections 536.100 to 536.140, RSMo.**

AUTHORITY: sections 161.092, 168.071 and 168.081, RSMo Supp. [1998] 2002, and 168.011 and 168.021, RSMo [1994] 2000. Emergency rule filed March 22, 1999, effective April 1, 1999, expired Sept. 27, 1999. Original rule filed March 22, 1999, effective Sept. 30, 1999. Amended: Filed Aug. 13, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education Chapter 800—[Teacher Certification and Professional Conduct and Investigations] Educator Licensure

PROPOSED AMENDMENT

5 CSR 80-800.350 Certificate of License to Teach Content Areas. The State Board of Education is proposing to amend section (2), add a new subsection (2)(M), and amending Appendix A.

PURPOSE: This amendment deletes certain special education certificates of license to teach in 2006, adds a certificate for speech-language pathologist and makes changes for consistency among the certification rules.

(2) Certificates of license to teach are issued and renewed by the State Board of Education (**board**) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements (compendium)* which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows:

(C) Middle school education, grades 5–9 with at least one (1) area of certification in the following areas:

1. Agricultural education;
2. Business education;
3. Family and consumer sciences;
4. Industrial technology;
5. Language arts;
6. Mathematics;
7. Science;
8. Social science; and/or
9. Speech/[theater] theatre;

(E) Special education in one (1) or more of the following areas:

1. Blind and partially sighted, grades K–12;
2. Deaf and hearing impaired, grades K–12;
3. Early childhood special education, birth–grade 3;
4. Mild/moderate behavioral disordered, grades K–12 (to be discontinued on September 1, 2006);
5. Mild/moderate cross-categorical, grades K–12;
6. Mild/moderate learning disabled, grades K–12 (to be discontinued on September 1, 2006);
7. Mild/moderate mentally handicapped, grades K–12 (to be discontinued on September 1, 2006);
8. Mild/moderate physical and/or other health impairments, grades K–12 (to be discontinued on September 1, 2006);
9. Severely developmentally disabled, grades K–12; and/or
10. Speech and language specialist, grades K–12;

(I) Student services certificates of license to teach may be issued in one (1) or more of the following areas:

1. School counselor, grades K–8, 7–12, and/or K–12;
2. Advanced school counselor, grades K–12;
3. School psychological examiner, grades K–12;
4. School psychologist, grades K–12;
5. Vocational adult education supervisor;
6. Post-secondary vocational counselor;
7. Placement coordinator; *[and/or]*
8. Vocational evaluator; *and/or*
9. Speech-language pathologist, grades K–12;

(L) Temporary authorization certificates of license to teach; *[and/or]*

(M) Provisional certificates of license to teach; and/or
(M)/(N) Substitute certificates of license to teach.

Appendix A—Vocational-Technical Certificates

Agricultural Education

- 01.0000 Agricultural Education
- 01.0101 Agricultural Business
- 01.0201 Agricultural Mechanics
- 01.0301 Agricultural Production
- 01.0401 Agricultural Processing
- 01.0501 Agricultural Services/Supplies
- 01.0601 Horticulture
- 03.0101 Agricultural Resources
- 03.0401 Forestry

Business Education

- 52.0302 Accounting
- 52.0407 Information Processing
- 52.0407 Network Administration
- 52.0408 General Office
- 52.1202 Computer Programming
- 80.000015 Business Education with Coop

Family and Consumer Sciences Education

- 20.0201 Child Care and Guidance Workers and Managers
- 20.0301 */Clothing, / Apparel and Textile Workers and Managers*
- 20.0401 Institutional Food Workers and Administrators-Dietetic Technology
- 20.0501 Home Furnishings and Equipment Installers and Consultants
- 20.0601 Custodial, Housekeeping and Home Services Workers and Managers
- 20.9999 Vocational Family and Consumer Sciences

Health Sciences

- 12.0301 * Funeral Service and Mortuary Science
 - 51.0000 * Health Occupations Coop
 - 51.0205 * Sign Language Interpreter
 - 51.0601 * Dental Assistant
 - 51.0602 * Dental Hygienist
 - 51.0603 Dental Laboratory Technician
 - 51.0699 Dental Services, Other
 - 51.0703 Health Unit Coordinator/Ward Clerk
 - 51.0707 * Medical Record Technology/Technician (Health Information Technology)
 - 51.0708 * Medical Transcription
 - 51.0801 * Medical Assistant
 - 51.0802 * Medical Laboratory Assistant
 - 51.0803 * Occupational Therapy Assistant
 - 51.0805 * Pharmacy Technician/Assistant
 - 51.0806 * Physical Therapy Assistant
 - 51.0808 Veterinarian Assistant/Animal Health Technician
 - 51.0899 Health and Medical Assistants, Other
 - 51.0904 * Emergency Medical Technology/Technician
 - 51.0907 * Medical Radiologic Technology/Technician
 - 51.0908 * Respiratory Therapy Technician
 - 51.0909 * Surgical/Operating Room Technology
 - 51.0910 * Diagnostic Medical Sonography Technician
 - 51.1004 * Medical Laboratory Technician
 - 51.1501 * Alcohol/Drug Abuse Counseling
 - 51.1502 * Psychiatric/Mental Health Services Technician
 - 51.1599 Medical Health Services, Other
 - 51.1601 * Registered Nursing (RN Training)
 - 51.1613 * Licensed Practical Nursing (LPN Training)
 - 51.1614 * Nursing Assistant/Aide
 - 51.1615 * Home Health Aide
 - 51.1699 * Nursing, Other
 - 51.2601 * Health Aide (Health Services Assistant)
 - 51.9999 Health Professions and Related Sciences, Other
- Marketing & Cooperative Education
- 04.0000 Marketing Education
 - Post-Secondary Marketing
 - 03.0000 Cooperative Occupational Education
 - 05.0000 Cooperative Industrial Education

Trade and Industrial Education

- 10.0101 Educational/Instructional Media Technology/Technician
10.0104 Radio and Television Broadcasting Technology/Technician
12.0403 * Cosmetologist
12.0499 Cosmetic Services, Other
12.0501 Baker/Pastry Chef
12.0503 Culinary Arts
12.0504 Food and Beverage/Restaurant Operations Manager
12.0599 Culinary Arts and Related Services, Other
15.0101 Architectural Engineering Technology/Technician
15.0201 Civil Engineering/Civil Technology/Technician
15.0301 Computer Engineering Technology/Technician
15.0303 Electrical, Electronic and Communications Engineering Technology/Technician
15.0304 Laser and Optical Technology/Technician
15.0399 Electrical and Electronic Engineering-Related Technologies/Technicians, Other
15.0401 Biomedical Engineering-Related Technology/Technician
15.0402 Computer Maintenance Technology/Technician
15.0403 Electromechanical Technology/Technician
15.0404 Instrumentation Technology/Technician
15.0405 Robotics Technology/Technician
15.0499 Electromechanical Instrumentation and Maintenance Technologies/Technicians, Other
15.0501 Heating, Air Conditioning and Refrigeration Technology/Technician
15.0506 Water Quality and Wastewater Treatment Technology/Technician
15.0599 Environmental Control Technologies/Technicians, Other
15.0601 Chemical Manufacturing Technology
15.0603 Industrial/Manufacturing Technology/Technician
15.0604 Manufacturing Technology
15.0699 Industrial Production Technologies/Technicians, Other
15.0701 Occupational Safety and Health Technology/Technician
15.0702 Quality Control Technology/Technician
15.0799 Quality Control and Safety Technologies/Technicians, Other
15.0801 Aeronautical Technology
15.0803 Automotive Engineering Technology/Technician
15.0805 Mechanical Engineering/Mechanical Technology/Technician
15.1001 Construction/Building Technology/Technician
20.0309 Drycleaner and Launderer (Commercial)
23.1101 English Technical and Business Writing
27.0301 Applied Mathematics, General
41.0301 Chemical Technology/Technical
43.0107 Law Enforcement/Police Science
43.0201 Fire Protection and Safety Technology/Technician
43.0203 Fire Science/Firefighting
46.0101 Mason and Tile Setter
46.0201 Carpenter
46.0301 Electrical and Power Transmission Installer, General
46.0302 Electrician
46.0303 Lineworker
46.0399 Electrical and Power Transmission Installer, Other
46.0401 Building/Property Maintenance and Manager
46.0403 Construction/Building Inspector
46.0408 Painter and Wall Coverer
46.0499 Construction and Building Finishers and Managers, Other
46.0501 Plumber and Pipefitter
46.9999 Construction Trades, Other
47.0101 Electrical and Electronics Equipment Installer and Repairer, General
47.0102 Business Machine Repairer
47.0103 Communications Systems Installer and Repairer
47.0104 Computer Installer and Repairer
47.0105 Industrial Electronics Installer and Repairer
47.0106 Major Appliance Installer and Repairer
47.0199 Electrical and Electronics Equipment Installer and Repairer, Other
47.0201 Heating, Air Conditioning and Refrigeration Mechanic and Repairer
47.0302 Heavy Equipment Maintenance and Repairer
47.0303 Industrial Machinery Maintenance and Repairer
47.0399 Industrial Equipment Maintenance and Repairer, Other
47.0501 Stationary Energy Sources Installer and Operator
47.0603 Auto/Automotive Body Repairer
47.0604 Auto/Automotive Mechanic/Technician

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|-----------|---|
| 47.0605 | Diesel Engine Mechanic and Repairer |
| 47.0606 | Small Engine Mechanic and Repairer |
| 47.0607 * | Aircraft Mechanic/Technician, Airframe |
| 47.0608 * | Aircraft Mechanic/Technician, Powerplant |
| 47.0609 * | Aviation Systems and Avionics Maintenance Technologist/Technician |
| 47.0611 | Motorcycle Mechanic and Repairer |
| 47.0699 | Vehicle and Mobile Equipment Mechanics and Repairer, Other |
| 48.0101 | Drafting, General |
| 48.0102 | Architectural Drafting |
| 48.0103 | Civil/Structural Drafting |
| 48.0104 | Electrical/Electronics Drafting |
| 48.0105 | Mechanical Drafting |
| 48.0199 | Drafting, Other |
| 48.0201 | Graphic and Printing Equipment Operator, General |
| 48.0205 | Mechanical Typesetter and Composer |
| 48.0206 | Lithographer and Platemaker |
| 48.0208 | Printing Press Operator |
| 48.0211 | Computer Typography and Composition Equipment Operator |
| 48.0212 | Desktop Publishing Equipment Operator |
| 48.0299 | Graphic and Printing Equipment Operator, Other |
| 48.0303 | Upholsterer |
| 48.0501 | Machinist/Machine Technologist |
| 48.0503 | Machine Shop Assistant |
| 48.0506 | Sheet Metal Worker |
| 48.0507 | Tool and Die Maker/Technologist |
| 48.0508 | Welder/Welding Technologist |
| 48.0599 | Metal Fabrication |
| 48.0701 | Woodworkers, General |
| 48.0702 | Furniture Designer and Maker |
| 48.0703 | Cabinet Maker and Millworker |
| 48.0799 | Woodworkers, Other |
| 49.0202 | Construction Equipment Operator |
| 49.0205 | Truck, Bus and Other Commercial Vehicle Operator |
| 49.0299 | Vehicle and Equipment Operators, Other |
| 49.0306 | Marine Maintenance and Ship Repairer |
| 50.0201 | Crafts, Folk Art and Artisanry |
| 50.0402 | Graphic Design, Commercial Art and Illustration |
| 50.0404 | Industrial Design |
| 50.0406 | Commercial Photography |
| 50.0605 | Photography |
| 06.2002 | Trade and Industrial Internship |

* Requires Professional Licensing

AUTHORITY: sections 168.011, 168.021 and 168.405, RSMo 2000 and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
**Chapter 800—[Teacher Certification and Professional
Conduct and Investigations] Educator Licensure**

PROPOSED AMENDMENT

5 CSR 80-800.360 Certificate of License to Teach Classifications. The State Board of Education is proposing to amend sections (1), (12)–(19) and subsection (3)(B).

PURPOSE: This amendment updates certification requirements in the *Compendium of Missouri Certification Requirements*, adds a provisional certificate of license to teach as a speech implementor and a five (5)-year provisional certificate of license to teach for out-of-state teachers with five (5) years experience in the same teaching area.

(1) Certificates of license to teach are issued and renewed by the State Board of Education (the board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements (compendium)*, which is incorporated by reference and made a part of this rule, and the rules promulgated by the board.

(3) If a certificate of license to teach is renewed, except for a substitute certificate of license to teach, the effective date of renewal will be the date of expiration of the certificate of license to teach, providing that the application for renewal and supporting materials are received by the Department of Elementary and Secondary Education (DESE) prior to or on the expiration date.

(B) If an individual's certificate of license to teach renewal is received after the certificate has expired for more than eleven (11) months or a shorter time if specified in the rules promulgated by the board, the individual must meet the current certification requirements as set forth in the *[Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] compendium* unless extenuating circumstances exist and the individual obtains the approval of the commissioner of education.

(12) Approved teaching experience, as described in the rules promulgated by the board, must be in Missouri public schools, schools approved or accredited by the state education agency in states other than Missouri, or in nonpublic schools accredited by an affiliate of the National Federation of Nonpublic School State Accrediting Associations, or one (1) of the six (6) regional accrediting associations for schools and colleges, or by the University of Missouri-Columbia, or other schools accredited by a DESE-approved accrediting agency which incorporates standards that include an entry-year mentor program, professional development plans for faculty, in-service training for faculty, and PBTEs. Teaching experience must be contracted and at least half-time. Substitute teaching or serving as a teacher's aide or assistant will not be counted as teaching experience.

(13) Provisional certificates of license to teach may be issued to an individual for two (2) years and may be extended upon a showing of good cause or issued for five (5) years. Provisional certificates of license to teach may be issued in the following situations:

(A) *[The] A two (2)-year provisional certificate of license to teach may be issued to an individual who* has completed the academic requirements for a certificate of license to teach, but has not taken or passed the exit assessment(s) designated by the board;

(B) *[The] A two (2)-year provisional certificate of license to teach may be issued to an individual who* has been admitted into a state-approved post-baccalaureate or alternative professional education program at a Missouri institution of higher education and is actively engaged in coursework to satisfy the requirements of the program; */or/*

(C) *[The] A two (2)-year provisional certificate of license to teach may be issued to an individual who* has completed a teacher preparation program and is generally within twelve (12) semester hours of completion of the certification requirements as set forth in the *[Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] compendium*;

(D) A two (2)-year provisional certificate of license to teach may be issued to an individual who has completed all requirements for a master's in speech-language pathology from a Missouri approved institution of higher education and has applied and been granted a provisional license from the Missouri Board of Registration for the Healing Arts; or

(E) A five (5)-year provisional certificate of license to teach may be issued to an individual who possesses a valid certificate of license to teach from another state and has five (5) years teaching experiences in the same school district in the curriculum area and appropriate grade levels in another state.

(14) Administrator certificates of license to teach may be issued to an individual for five (5) or ten (10) years and may be renewed pursuant to the requirements found in the *[Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] compendium* and the rules promulgated by the board.

(15) Student services certificates of license to teach may be issued to an individual for five (5) or ten (10) years and may be renewed pursuant to the requirements found in the *[Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] compendium* and the rules promulgated by the board.

(16) Substitute certificates of license to teach may be issued to an individual for one (1) year pursuant to the requirements found in the *[Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] compendium* and the rules promulgated by the board.

(17) Vocational-technical certificates of license to teach may be issued to an individual for two (2) or five (5) years and may be renewed pursuant to the requirements found in the *[Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] compendium* and the rules promulgated by the board.

(18) Adult education and literacy certificates of license to teach may be issued to an individual for three (3) or ten (10) years and may be renewed pursuant to the requirements found in the *[Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] compendium* and the rules promulgated by the board.

(19) Temporary authorization certificates of license to teach may be issued to an individual for one (1) year and may be renewed pursuant to the requirements found in the *[Compendium of Missouri Certification Requirements which is incorporated by reference and made a part of this rule] compendium* and the rules promulgated by the board.

AUTHORITY: sections 168.011, 168.021, 168.405 and 168.409, RSMo 2000 and 161.092, 168.071, 168.081 and 168.400 RSMo Supp. 2002. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Oct. 25, 2001, effective June 30, 2002. Amended: Filed Aug. 13, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—[Teacher Certification and Professional Conduct and Investigations] Educator Licensure

PROPOSED AMENDMENT

5 CSR 80-800.370 Fees. The State Board of Education is proposing to amend subsection (2)(A).

PURPOSE: This amendment is a result of recent legislation stating who is not required to pay an application fee.

(2) The following fees are established by the State Board of Education (**the board**) and are payable in the form of a cashier's check or money order to the Treasurer, State of Missouri:

(A) Application for a Certificate of License to Teach (Individuals who completed a teacher preparation program from a non-Missouri school and do not possess five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels) \$25.00

AUTHORITY: sections 168.011, 168.021, 168.405[,] and 168.409, RSMo [1994] 2000 and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. [1999] 2002. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed Aug. 13, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

PROPOSED AMENDMENT

5 CSR 90-4.300 Order of Selection for Services. The State Board of Education is proposing to add new sections (1), (4)—(7), amend section (2), and renumber sections (3) and (8)—(13).

PURPOSE: This amendment updates the Division of Vocational Rehabilitation's Order of Selection for Services.

(1) The following definitions apply to these regulations:

(A) Individual with the Most Significant Disability. An individual with a significant disability as defined in this rule, and the following:

1. Who is seriously limited in three (3) or more of the following functional areas:

- A. Self-care;
- B. Communication;
- C. Mobility;
- D. Self-direction;
- E. Work tolerance;
- F. Work skills; and/or
- G. Interpersonal skills;

(B) Individual with a Significant Disability. An individual with a disability, as defined in this rule and the following:

1. Who has a severe physical or mental impairment that seriously limits one (1) or more functional capacities (such as mobility; communication; self-care; self-direction; interpersonal skills; work tolerance; and/or work skills) in terms of an employment outcome;

2. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

3. Who has one (1) or more physical or mental disabilities resulting from amputation; arthritis; autism; blindness; burn injury; cancer; cerebral palsy; cystic fibrosis; deafness; head injury; heart disease; hemiplegia; hemophilia; respiratory or pulmonary dysfunction; mental retardation; mental illness; multiple sclerosis; muscular dystrophy; musculo-skeletal disorders; neurological disorders (including stroke or epilepsy); spinal cord conditions (including paraplegia or quadriplegia); sickle cell anemia; specific learning disability; end-stage renal disease; or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation; or

(C) Individual with a Disability. Any individual as defined in this rule and the following:

1. Who has a physical or mental impairment;

2. Whose impairment constitutes or results in a substantial impediment to employment; and

3. Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation service.

((1)) (2) In the event vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the state of Missouri, the Division of Vocational Rehabilitation (DVR) will implement *[an]* a statewide order of selection. In accordance to the following priority categories, individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services. Services shall be provided based upon the eligible individual's placement in one (1) of the following category priorities:

(A) Priority Category I—An individual with the most significant disabilities as defined *[through the federal act and/or applicable regulations]* above;

((B)) Priority Category II—An individual with a significant disability as defined in the federal act and/or applicable regulations and whose disability was sustained in the line of duty while performing as a public safety officer and the immediate cause of the disability was the result of one (1) of the following:

- 1. A criminal act;
- 2. An apparent criminal act; or

3. A hazardous condition resulting from the performance of duties in direct connection with the enforcement, execution and administration of law or fire prevention, firefighting or related public safety activities;

(C) (B) Priority Category [III] II—An individual with a significant disability as defined [in the federal act and/or applicable regulations;] above; or

(D) Priority Category IV—An individual with a disability as defined in the federal act and/or applicable regulations and who is receiving services from state-wide government agencies with whom DVR has a working written agreement detailing the responsibilities of each agency. Classification in this category is not made on the basis of type of disabling condition. However, public safety officers will receive services first within this priority category; or

(E) (C) Priority Category [V] III—An individual with a disability as defined [in the federal act and/or applicable regulations. Public safety officers will receive services first within this priority category] above.

(2) An eligible individual will be placed in the appropriate priority category and receive written notification of the assigned priority category. The eligible individual's date of application will be used to determine the order of services within a priority category.

(4) An eligible individual will be notified of their right to appeal their category assignment.

(5) All funding arrangements for providing services, including any third-party arrangements and awards by DVR shall be consistent with the order of selection. If any funding arrangements are inconsistent with the order of selection, DVR shall renegotiate these funding arrangements so that they are consistent with the order of selection.

(6) Eligible individuals who are in a priority category that is not open, shall be provided accurate vocational rehabilitation information and guidance (including counseling and referral for job placement) using appropriate modes of communication to assist them in preparing for, securing, retaining, or regaining employment. These individuals will also be referred to other appropriate federal and state programs, including the statewide workforce investment career centers.

(7) Individuals being referred to appropriate programs, as mentioned above, shall be provided the following:

(A) A notice of the referral to the agency carrying out the program;

(B) Information identifying a specific point of contact within the agency to which the individual is being referred; and

(C) Information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain or regain employment.

(3) (8) An eligible individual's placement in a priority category may be changed under justifiable circumstances.

(4) (9) Rationale for placement will appear in the individual's case file.

(5) (10) The order of selection shall in no way affect the provision or authorization of diagnostic and evaluation services needed to determine eligibility.

(6) (11) Services authorized or provided to any eligible individual shall not be disrupted as a result of an order of selection or the closing of a priority category.

[(7)] (12) Order of selection priority categories do not apply to post-employment services.

[(8)] (13) The order of selection shall in no way affect eligible individual's access to services provided through DVR's information and referral system.

AUTHORITY: sections 178.600, 178.610 and 178.620, RSMo [1994] 2000 and 161.092, RSMo Supp. 2002. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed Aug. 13, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 Dupont Circle, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.060 Construction Permits Required. The commission proposes to amend subsections (7)(B), (8)(C), (8)(E), (12)(C) and (12)(D). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: The purpose of this amendment is to remove the offset and banking provisions from the rule and instead reference 10 CSR 10-6.410 Emissions Banking and Trading. The evidence supporting this proposed rulemaking, per section 536.016, RSMo, is new rule 10 CSR 10-6.410 Emissions Banking and Trading and section 643.220, RSMo. This evidence is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

(7) Nonattainment Area Permits.

(B) A permit shall not be issued for the construction or major modification of an installation with the potential to emit the nonattainment pollutant in amounts equal to or greater than the *de minimis* levels; for an installation or modification with the potential to emit one hundred (100) tons or more of other nonattainment pollutants; or for a major modification of an installation with the potential to emit one hundred (100) tons or more of the nonattainment pollutant, unless the following requirements, in addition to section (6) are met:

1. By the time the source is to commence operation, sufficient offsetting emissions reductions have been obtained, such that, the total allowable emission from existing sources in the nonattainment area, from new or modified sources which are not major emitting facilities, and from existing sources prior to the application for that permit to construct or modify represent annual incremental reductions in emissions of the nonattainment pollutant as are required to

ensure attainment of the applicable national ambient air quality standard by the applicable date;

2. In the case of a new or modified installation which is located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels which exceed the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with the offset and banking procedures in *[subsection (12)(C) and (D) of this rule]* **10 CSR 10-6.410**;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified; and

5. Temporary installation and portable sources shall be exempt from this subsection provided that the source applies BACT for each pollutant emitted in a significant amount.

(8) Attainment and Unclassified Area Permits.

(C) Air Quality Impacts.

1. Preapplication modeling and monitoring.

A. Each application shall contain an analysis of ambient air quality or ambient concentrations in the significantly impacted area of the installation for each pollutant specified in 10 CSR 10-6.020(3)(A), Table 1, which the installation would emit in significant amounts. The analysis shall follow the guidelines of subsection (12)(F).

B. The analysis required under this paragraph shall include continuous air quality monitoring data for any pollutant, except VOC, emitted by the installation, for which an ambient air quality standard exists. The owner or operator of a proposed installation or major modification emitting VOC who satisfies all the conditions of 40 CFR part 51, Appendix S, section IV.A. may provide post-construction monitoring data for ozone in lieu of providing preconstruction data for ozone.

C. The continuous air monitoring data required in this paragraph shall relate to, and shall have been gathered over, a period of one (1) year and shall be representative of the year preceding receipt of the complete application, unless the permitting authority determines that a complete and adequate analysis may be accomplished in a shorter period (but not less than four (4) months). Continuous, as used in this subparagraph, refers to frequency of monitoring operation as required by 40 CFR part 58, Appendix B.

D. For pollutants emitted in a significant amount for which no ambient air quality standards exist, the analysis required under this paragraph shall contain whatever air quality monitoring data the permitting authority determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

2. Operation of monitoring stations. The owner or operator shall meet the requirements of 40 CFR part 58, Appendix B during the operation of monitoring stations for the purposes of paragraphs (8)(C)1. or 7. of this rule at the time the station is put into operation.

3. Modeling. The owner or operator of the installation to which this section applies shall provide modeling data, following the requirements of subsection (12)(F), to demonstrate that potential and secondary emission increases from the installation, in conjunction with all other applicable emissions increases or reductions in the baseline area since the baseline date, will not cause or contribute to ambient air concentrations in excess of any ambient air quality standard or any applicable maximum allowable increase over the baseline concentration in any area, in the amounts listed in subsection (11)(A), Table 1 of this rule. The permitting authority will track the consumption of allowable increment in accordance with subsection (12)(G) of this rule.

4. Emission reductions. The applicant must show that it has obtained emission reductions of a comparable air quality impact for the nonattainment pollutant if its planned emissions of the pollutant will affect a nonattainment area in excess of the air quality impact for that pollutant listed in subsection (11)(D), Table 4 of this rule. These reductions shall be obtained through binding agreement prior to the commencement of operations of the installation or major modification and shall be subject to the offset conditions set forth in *[subsection (12)(C), Appendix C of this rule]* **10 CSR 10-6.410**.

5. Impact on visibility. The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the installation or major modification and general commercial, residential, industrial and other growth associated with the installation or major modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

6. Projected air quality impacts. The owner or operator shall provide, following the requirements of subsection (12)(F), Appendix F of this rule, an analysis of the air quality impact projected for the area as a result of general commercial, residential and industrial growth, as well as growth associated with the installation or major modification.

7. Post-construction monitoring. After construction of the installation or major modification, the applicant shall conduct ambient monitoring as the permitting authority determines may be necessary to determine the effect emissions from the installation or major modification may have, or are having, on air quality in any area.

8. Exemptions.

A. The requirements of subsection (8)(C) shall not apply unless otherwise determined to be needed by the permitting authority, if—

(I) The increase in potential emissions of that pollutant from the installation would impact no Class I area and no area where an applicable increment is known to be violated; and

(II) The duration of the emissions of the pollutant will not exceed two (2) years.

B. The requirements of subsection (8)(C) as they relate to any maximum allowable increase for a Class II area shall not apply unless otherwise determined to be needed by the permitting authority, if—

(I) The application is for a major modification of an installation which was in existence on March 1, 1978;

(II) Any such increase would cause or contribute to no exceedance of any ambient air quality standard; and

(III) The new increase in allowable emissions of each air pollutant after the application of BACT would be less than fifty (50) tons per year.

C. The requirements of subsection (8)(C) shall not apply, if the ambient air quality effect is less than the air quality impact of subsection (11)(B), Table 2, or if the pollutant is not listed in subsection (11)(B), Table 2, unless otherwise determined to be needed by the permitting authority. The ambient air quality impact must be determined using either of the following methods:

(I) The screening technique set forth in Guidelines for Air Quality Maintenance and Planning Analysis Vol. III (Revised); Procedures for Evaluating Air Quality Impact of New Stationary Sources (United States EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711); or

(II) A more sophisticated modeling technique as indicated in subsection (12)(F).

(E) Offsets. Applicants must obtain emission reductions, obtained through binding agreement prior to commencing operations and subject to *[subsection (12)(C), Appendix C of this rule]* **10 CSR 10-6.410**, equal to and of a comparable air quality impact to the new or increased, emissions in the following circumstances when:

1. Area has no increment available; or

2. Proposal will consume more increment than is available.

(12) Appendices.

(C) Appendix C, Offsets. [*Offsets under subsection (7)(B) are subject to the following conditions:*] Offset provisions may be found in 10 CSR 10-6.410.

[1. The applicant provides documentation satisfactory to the permitting authority showing:

A. That the offsets have occurred or will occur prior to commencement of operation of the new or modified source;

B. That the level of emission of the offset pollutant at the offsetting source prior to and after the offset is applied;

C. That the owner or operator of the source from which offsets are obtained has made a binding agreement to limit emissions of the offset pollutant at that source to the levels identified after the offset is applied; and

D. That the emissions from the offsetting source, prior to being reduced, had or have a comparable air quality impact equal and comparable to that attributed to the proposed increase;

2. It shall be a violation of this rule for any person to operate a source from which offsets were obtained so as to emit the offset pollutant at levels greater than identified in the agreement referred to in subparagraph (12)(C)1.C.;

3. The permitting authority may not approve use of offsets where that use would interfere with the nonattainment control strategy contained in the Missouri State Implementation Plan;

4. Offset credit may not be taken for emission reductions required by federal, state or local emission control rules, ordinances, or enforceable permits, state or federal court order, or order of a federal, state or local air pollution control agency;

5. Except for previously banked emission reduction credits, no offset credit may be taken for emission reductions occurring prior to the base year used to project attainment of the pollutant standard in the state implementation plan;

6. No offset credit may be taken for emission reductions previously used in determining net emission increases or used to create alternate emission limits; and

7. Emission reductions that will be achieved by shutting down an existing installation or by permanently curtailing production or operating hours may be credited, provided that the work force to be affected has been notified of the proposed shutdown or curtailment. Installation shutdowns and curtailments in production or operating hours that have occurred prior to the date the application is filed generally may not be used for emissions offset credit. As used here, shutdown means rendering an installation inoperable by physically removing, dismantling or otherwise disabling the installation, so that it could not be reactivated without obtaining a new permit in accordance with this rule. However, when an applicant can establish that it shut down or curtailed production less than one (1) year prior to the date of permit application, and the proposed installation or major modification is a replacement for the shutdown or curtailment, credit for that shutdown or curtailment may be applied to offset emissions from the new source.]

(D) Appendix D, Banking. [*Banking credit for emission reductions to use as offsets or to implement an alternate emission limit, at some future time, shall be allowed under the following circumstances:*] Banking provisions may be found in 10 CSR 10-6.410.

[1. The person requesting banking is the owner or operator of—

A. A new or modified installation who obtains a permit by applying offsets which exceed the requirements of subsection (7)(B);

B. An existing installation in a nonattainment area who voluntarily reduces emissions of the nonattainment pollutant after the base year used in the state implementation plan; or

C. An existing installation in an attainment or unclassified area who voluntarily reduces emissions after August 7, 1977, or the transferee of the owner or operator;

2. The person requesting banking submits documentation satisfactory to the permitting authority showing:

A. The location of the installation and source operation from which the reductions are obtained;

B. The magnitude of the emission reductions, and the rates and levels of emission of the pollutant prior to and after the emission reductions;

C. That the reductions are based on actual emissions;

D. That the reductions are not required by any emission control regulations or ordinances, federal or state court order, or order of a federal, state or local air pollution control agency;

E. The owner or operator of the installation from which the reductions were obtained has made an enforceable binding agreement to limit emission of the pollutant at the installation to the identified levels after the emission reductions occur, and if the reductions were obtained from an installation not owned or operated by the person requesting banking, the notarized consent of the installation owner or operator to the reductions and to banking those reductions; and

F. That the reductions are from installations and source operations existing on the state's emission inventory;

3. The person requesting banking must also submit the information necessary for evaluating the air quality impact of the emission reductions, including, when appropriate, stack parameters, temperature and velocity of plume, particle size, the existence of hazardous pollutants, and daily and seasonal emission rates;

4. For source operations in the nonattainment areas for which reasonable available control technology (RACT) would be required, but as yet has not been defined, actual emission levels will be reduced to represent post-RACT levels. The control technology assumed for these calculations will be mutually agreed upon by the applicant and the permitting authority. Only emission reductions beyond the post-RACT emissions levels will be creditable;

5. Credit cannot be banked by the owner for emission reduction achieved by the shutdown of an installation. Shutdown as used here means rendering an installation inoperable by physically removing, dismantling or otherwise disabling the installation, so that it could not be reactivated without obtaining a new permit in accordance with this rule. Emission reductions credit from an installation shutdown, unless used by the owner or operator of the installation to replace the installation within a year of shutdown, will be placed in special accounts by the permitting authority to attain and maintain the air quality standards and provide growth increment for the area;

6. Credit for emission reductions beyond those that were required by RACT or paragraph (8)(D)4. at a shutdown installation and that are in excess of those needed to offset a replacement installation can be banked by the owner and can be transferred or used for offset or alternate emission limits;

7. Credit can be banked for emission reductions from permanent curtailment of production or operating hours only for the purpose of offsets or implementing alternate emission limits at some future time. Credit cannot be granted for process curtailments in nonattainment areas if the proposed decrease will be negated by countervailing emission increases occurring at other installations in the same area in response to the applicant's process curtailments;

8. It shall be a violation of this rule for any person to operate a source operation from which banked credit for emission reductions was obtained so as to emit the pollutant at levels greater than identified in the agreement referred to in subparagraph (12)(D)2.E., unless the person who banked credit for the reductions, or their transferee, first files a notice with the permitting authority stating that credit for the reductions or a part of the credit is being withdrawn from the bank, and credit has not previously been withdrawn.

9. Banked credits for emission reductions may be withdrawn only by notice from the person who banked the emission reduction credits or his/her transferee. No transfer of banked reduction credits shall be recognized by the permitting authority until a notice of transfer is filed with the permitting authority clearly identifying the transferee, and containing a notarized statement of the transferor that they consent to the transfer and relinquish all claims to the banked credits for emission reductions that are being transferred;

10. An applicant for a permit must withdraw from its bank, as needed, those credits for emission reductions which were created within its own property and apply them to offset its own emission increases in accordance with subsection (12)(C). If growth increment is available, banked credit for emission reductions shall be used at a ratio of one to one (1:1). If no growth increment exists, credit for emission reductions shall be used at a ratio of one-point-one-five to one (1.15:1);

11. A notice of withdrawal of banked credit for emission reductions shall identify the installation and source operation to which the withdrawn credit will be applied;

12. The permitting authority shall establish and maintain a tracking system of banked credit for emission reductions, in order to preserve banked credit for the owner and ensure that offsets are not obtained from banked emission reduction credit in violation of the requirements of this rule; and

13. The amount of banked emission reduction credits shall be discounted without compensation to the holder in the applicable source category when new rules requiring emission reductions are adopted by the commission. The amount of discounting of banked emission reduction credits shall be calculated on the same basis as the reductions required for existing sources which are subject to the new rule. A portion of banked credits, equivalent to the anticipated required reductions may be temporarily frozen by the permitting authority in anticipation of a new rule being adopted by the commission. This paragraph, however, will not apply to emission reductions, discounted at the time of banking in accordance with paragraph (12)(D)4., unless the new rule provides for the replacement RACT with BACT or another more stringent level of control.]

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 2, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., October 24, 2002. The public hearing will be held at the Traveler's Inn Christian Bed and Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the

hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., October 31, 2002. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission

Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.120 Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installations. The commission proposes to amend subsections (2)(A) and (2)(C). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: The Doe Run Company requested this rulemaking to accompany installation operational changes being established in the Prevention of Significant Deterioration Permit that is under development. This amendment will lower the total daily throughout limit for the blast furnace and raise the total daily throughput limit for the rotary melt and reverberatory furnaces with no net lead emission increase. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the letter from Doe Run Company dated August 23, 2001 requesting this change. This evidence is available for viewing at the Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

(2) Provisions Pertaining to Limitations of Lead Emissions from Specific Installations.

(A) Doe Run Primary Lead Smelter-Refinery at Glover, Missouri.

1. This installation shall limit lead emissions into the atmosphere to the allowable amount as shown in Table IA.

Table IA

| Stack Name/s | Emissions Limitation (lbs per 24 hours) |
|---------------|--|
| Main | 184.2 |
| Ventilation | |
| Baghouse | 125.4 |
| Blast Furnace | 82.3 |

2. Fugitive lead emissions from lead production processes.

A. This installation shall limit production of lead from processes that emit lead to the ambient air to the allowable amount as shown in Table IB and Table IC.

Table IB

| Process Name | Throughput (tons per calendar quarter) |
|---|---|
| Sinter Plant—Material across Sinter Machine | 202,000 |
| Blast Furnace—Lead Bearing Material | 75,000 |

Table IC

| Process Name | Throughput (tons per day) |
|---|--------------------------------------|
| Sinter Plant—Material across Sinter Machine | 3120 |

B. Record */K/keeping*. The operator shall keep records of daily process throughput corresponding with the processes in Table IB in subparagraph (2)(A)2.A. These records shall be maintained on-site for at least three (3) years and made available upon request of the director.

(C) Doe Run Lead Smelter-Refinery near Buick, Missouri. The following applies to Doe Run's 1998 and ongoing lead producing operations at this installation.

1. Lead emissions from stacks. This installation shall limit lead emissions into the atmosphere to the allowable amount as shown in Table III.

Table III

| Stack Name | Emissions Limitation (lbs per 24 hours) |
|-------------------|--|
| Main Stack | 540.0 |

2. Fugitive lead emissions from lead production processes. This installation shall limit production from processes that emit lead to the ambient air to the allowable amount as shown in Table IV.

Table IV

| Process Name | Throughput (tons per day) |
|---------------------|--------------------------------------|
| Blast Furnace | <i>[1000] 786 Charge</i> |
| Reverb Furnace | <i>[360] 500 Charge</i> |
| Rotary Melt | <i>[240] 300 Charge</i> |
| Refinery | 648 Lead Cast |

3. Record keeping. The operator shall keep records of daily process throughput corresponding with the processes in Table IV in subparagraph (2)(C)2. of this rule. These records shall be maintained on-site for at least three (3) years and made available upon the request of the director.

AUTHORITY: sections 643.050 and 643.055, RSMo [Supp. 1999] 2000. Original rule filed Aug. 4, 1988, effective Dec. 29, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 6, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., October 24, 2002. The public hearing will be held at the Traveler's Inn Christian Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., October 31, 2002. Written comments shall be sent to Chief, Planning Section, Missouri

Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.410 Emissions Banking and Trading. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: This rule provides a mechanism for companies to acquire offsets for economic development in accordance with section 643.220, RSMo. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is section 643.220, RSMo.

(1) Applicability.

(A) The generation or use of emission reduction credits (ERCs) in conjunction with this rule is available to installations that meet the following requirements:

1. Emit more than ten (10) tons per year for a criteria pollutant or its precursors as reported on their Emissions Inventory Questionnaire;

2. Have an operating permit as specified in 10 CSR 10-6.065 Operating Permits; and

3. Are located within any of the following areas:

A. An area that has been designated as a nonattainment area for a criteria pollutant;

B. An area that has been designated as a maintenance area for a criteria pollutant; or

C. A United States Environmental Protection Agency (U.S. EPA) approved attainment or maintenance demonstration or New Source Review preconstruction permit modeling domain, unless it is a violation of federal law.

(B) The buying, selling or trading of ERCs in conjunction with this rule is available to all persons.

(2) Definitions.

(A) Account holder—Any person that chooses to participate in the program by generating, buying, selling or trading ERCs.

(B) Activity level—The amount of activity at a source measured in terms of production, use, raw materials input, vehicle miles traveled, or other similar units that have a direct correlation with the economic output of the source and is not affected by changes in the emissions rate (i.e., mass per unit of activity).

(C) Actual emissions—The actual rate of emissions of a pollutant from a source. Actual emissions as of a particular date shall equal the average rate, in mass per unit of time or mass per unit of activity, at which the unit actually emitted the pollutant during a two (2)-year period which precedes the particular date and which is representative of normal source operation at a particular time. A different time period may be used if that is more representative of normal source operation.

(D) Alternate authorized account representative—The alternate person who is authorized by the owners or operators of the unit to represent and legally bind each owner and operator in matters pertaining to the Emissions Banking and Trading Program in place of the authorized account representative.

(E) Authorized account representative—The person who is authorized by the owners or operators of the unit to represent and legally bind each owner and operator in matters pertaining to the Emissions Banking and Trading Program.

(F) Emission reduction credit (ERC)—A certified emission reduction that is created by eliminating future emissions and expressed in tons per year. One (1) ERC is equal to one (1) ton per year. An ERC must be real, properly quantified, permanent and surplus.

(G) Emissions unit—Any part of a source or activity at a source that emits or would have the potential to emit criteria pollutants or their precursors.

(H) Generating activity—Any process modification that results in a permanent reduction in emissions.

(I) Generator source—Any source that generates an ERC.

(J) Maintenance area—Any area with a maintenance plan approved under section 175 of the Act.

(K) Maintenance plan—A revision to the applicable Missouri State Implementation Plan (SIP), meeting the requirements of section 175A of the Act.

(L) Modeling domain—A geographic area covered by an air quality model used to support an attainment or maintenance demonstration.

(M) National Ambient Air Quality Standards (NAAQS)—The standards defined by 10 CSR 10-6.010 Ambient Air Quality Standards.

(N) New Source Review (NSR)—The permitting requirements found in state rule 10 CSR 10-6.060 Construction Permits Required.

(O) Normal source operation—The average actual activity rate of a source necessary for determining the actual emissions rate for the two (2) years prior to the date necessary for determining actual emissions, unless some other time period is more representative of the operation of the source or otherwise approved by the staff director.

(P) Protocol—A replicable and workable method to estimate the mass of emissions reductions, or the amount of ERCs needed for compliance.

(Q) Quantifiable—The quantity of emission reductions can be measured or estimated by accurate and replicable techniques. These techniques shall be at least as accurate and replicable as the techniques accepted by the U.S. EPA, where accepted techniques exist.

(R) Shutdown—Rendering an installation or unit inoperable by physically removing, dismantling or otherwise disabling the installation or unit so that it could not be reactivated without obtaining a new permit in accordance with 10 CSR 10-6.060.

(S) Stationary source—Any building, structure, facility or installation which emits or may emit any air pollutant subject to regulation under the Act. Building, structure, facility or installation includes all pollutant emitting activities that are located on one or more contiguous or adjacent properties, and are under the common control of the same person (or persons under common control).

(T) U.S. EPA—The United States Environmental Protection Agency.

(U) User source—Any source that seeks to use ERCs to comply with an applicable emission reduction requirement.

(V) Definitions of certain terms specified in this rule, other than those defined in this section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) General Rules for Generation and Use.

1. To become an account holder, a person must complete an account application, as specified in subsection (4)(A) of this rule, and be assigned a unique account identification number by the Missouri Department of Natural Resources' Air Pollution Control Program.

2. Each account holder must designate an authorized account representative and an alternate authorized account representative on the account application.

3. Except as provided under paragraph (3)(B)3. of this rule, any source may generate an ERC by reducing emissions, in the amount

determined under paragraph (3)(B)1. ERC generators must ensure that ERCs, are real, properly quantified, permanent and surplus.

4. The emissions from the offsetting source, prior to being reduced, had an air quality impact equal or comparable to that attributed to the proposed increase. There shall be no resulting adverse impact on air quality.

5. The director of the Missouri Department of Natural Resources' Air Pollution Control Program may not approve use of offsets where that use would interfere with the nonattainment control strategy contained in the Missouri State Implementation Plan. The trading or use of ERCs in a modeling domain may be based on modeling performed on a concentration basis.

6. Governmental approvals. No ERC can be transferred without prior notification of intent to transfer to the director of the Missouri Department of Natural Resources' Air Pollution Control Program. No ERC can be retired without prior notification of intent to use. ERCs that are used for NSR offsets shall have prior director approval.

7. Market participation. Any account holder may transfer, buy, sell, trade, or otherwise convey ERCs to another account holder in any manner in accordance with this rule.

8. Limited authorization to emit. An ERC created under this rule is a limited authorization to emit a criteria pollutant or its precursor in accordance with the provisions of this rule. An ERC does not constitute a property right. Nothing in this rule shall be construed to limit the authority of the Missouri Air Conservation Commission to terminate or limit such authorization.

9. Serial numbers. Each ERC will be assigned a unique identification number.

10. Shutdowns.

A. ERCs may be generated when a unit is shutdown or retired if the new replacement equipment is directly replacing the retired unit and the permit is applied for within one (1) year of the shutdown or retirement of the existing unit.

B. ERCs may be generated for entire installation shutdowns, if the installation is located in a nonattainment area and defined as a major source for the nonattainment pollutant. These ERCs shall be reduced by twenty-five percent (25%) and rounded to the nearest ton at the time of deposit into the generator's account.

11. Environmental contribution.

A. On December 31 of each year, the banked ERCs that were deposited in previous calendar years shall be reduced by three percent (3%).

B. The department shall deduct three percent (3%) of these ERCs from each account holders' banked ERCs. The remaining account balances shall be rounded down to the nearest ERC.

C. If the account holder wishes for specific serial numbered ERCs to be deducted for environmental contribution, a letter specifying the serial numbers must be received by the director of the Missouri Department of Natural Resources' Air Pollution Control Program by December 1 of each year.

D. On December 31 of each year, ERCs that have been reserved by an approved Notice of Intent to Use shall not be subject to the three percent (3%) environmental contribution.

E. In the event that ERCs are not taxed on December 31 due to being reserved and the ERCs are subsequently reinstated, a three percent (3%) environmental contribution shall be deducted at that time for each year that the ERCs were reserved and would have been subject to the environmental contribution.

12. ERCs shall be used on a first-in, first-out basis, unless specific serial numbers are included in the Notice of Intent to Use, Notice of Withdrawal, Notice of Intent to Transfer or at the time of environmental contribution as specified in subparagraph (3)(A)11.C. of this rule. If serial numbers are not specified, the oldest ERCs in an account shall be reserved and/or retired first.

(B) ERC Generation.

1. Computation of ERCs.

A. The number of ERCs shall be the difference between—

(I) The amount of actual emissions that would have been emitted during the generation period based on actual activity levels during that period and normal source operation; and

(II) The amount of actual emissions during the generation period based on actual activity levels during that period.

B. Protocols. The amount of ERCs must be calculated using quantification protocols that meet the requirements of paragraph (3)(B)7. of this rule.

2. Limitations on generation. An ERC shall not be created by emissions reductions of activities or source categories identified in this subsection:

A. Permanent shutdowns or curtailments, unless it meets the requirements of paragraph (3)(A)10. of this rule;

B. Modification or discontinuation of any activity that is otherwise in violation of any federal, state or local requirements;

C. Emission reductions required to comply with any state, federal or local action including but not limited to:

(I) State, federal, or local consent agreements;

(II) Any provision of a State Implementation Plan; or

(III) Requirements for attainment of a National Ambient Air Quality Standard;

D. Emission reductions of hazardous air pollutants from application of a standard promulgated under section 112 of the Clean Air Act;

E. Reductions credited or used under any other emissions trading program;

F. Emission reductions occurring at a source which received an alternative emission limitation to meet a state reasonable available control technology (RACT) requirement, except to the extent that the emissions are reduced below the level that would have been required had the alternative emission limitation not been issued; or

G. Emission reductions previously used in determining net emission increases or used to create alternate emission limits.

3. Notice and Certification of Generation.

A. The owner or operator of a generator source shall provide a Notice and Certification of Generation to the Missouri Department of Natural Resources no later than ninety (90) days after the ERC generation activity was completed.

B. Required information. The Notice and Certification of Generation shall include the information specified in subsection (4)(B) of this rule.

C. The department shall review the Notice of Generation and notify the authorized account representative of approval or denial of the Notice of Generation within thirty (30) days of receipt of the notice.

D. The Notice and Certification of Generation should be accompanied by an operating permit modification application.

E. Certification under penalty of law. Any Notice and Certification of Generation submitted pursuant to this subsection shall contain certification under penalty of law by a responsible official of the generator source of truth, accuracy and completeness. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

4. ERC use.

A. Time of acquisition. ERCs may not be used until they are acquired by the user source.

B. Sufficiency. The user source must hold sufficient ERCs to cover its offset obligation.

C. Offset calculation. The amount of ERCs needed to offset emissions shall be the anticipated actual emissions multiplied by the offset ratio.

D. To be tradeable between air emission sources, emission reduction credits shall be based on air emission reductions that occur after August 28, 2001, or shall be credits that exist in the current air emissions bank.

E. Notice of Intent to Use ERCs.

(I) ERCs may be used only if the authorized account representative of the user source submits to the staff director of the Missouri Department of Natural Resources' Air Pollution Control Program a Notice of Intent to Use.

(II) Required information. The Notice of Intent to Use ERCs shall include the information specified in subsection (4)(C) of this rule.

(III) The department shall review the Notice of Intent to Use and notify the facility of approval or denial within thirty (30) days of receipt of the notice.

(IV) The Missouri Department of Natural Resources' Air Pollution Control Program shall reserve the specified ERCs when the permit application is deemed complete by the Initial Review Unit.

(V) Upon issuance of the construction permit, the appropriate number of reserved ERCs shall be permanently retired.

F. Notice of Withdrawal.

(I) An account holder may at any time withdraw ERCs from the program.

(II) Required information. The Notice of Withdrawal shall include the information specified in subsection (4)(D) of this rule.

(III) The department shall review the Notice of Withdrawal and notify the facility of approval or denial within thirty (30) days. Upon approval, the specified ERCs shall be removed from the facility's account.

G. Notice of Transfer.

(I) Account holders seeking an account transfer must submit a Notice of Transfer.

(II) Required information. The Notice of Transfer shall include the information specified in subsection (4)(E) of this rule.

(III) The department shall review the Notice of Transfer and notify the facilities of approval or denial within thirty (30) days. Upon approval, the specified ERCs shall be transferred to the specified account.

5. Use limitations. ERCs may not be used—

A. Before acquisition by the user of the ERCs;

B. For netting or to avoid the applicability of NSR requirements;

C. For NSR offsets unless the requirements of paragraph (3)(B)8. of this rule are met;

D. To meet Clean Air Act requirements for new source performance standards (NSPS) under section 111; lowest achievable emission rate (LAER) standards; best available control technology (BACT) standards; hazardous air pollutant (HAP) standards under section 112; reasonable available control technology (RACT);

E. To meet the requirements for one class of criteria pollutants or precursor by using ERCs generated in a different class of pollutants or precursors (e.g., NO_x reductions may not be exchanged for volatile organic compound (VOC) increases, or vice-versa); or

F. To meet requirements contained in Title IV of the Federal Clean Air Act.

6. Geographic scope of trading.

A. ERCs may be used in a nonattainment or maintenance area only if generated in the same nonattainment or maintenance area.

B. ERCs generated inside a modeling domain may be used in the same modeling domain.

C. Interstate trading. (Reserved)

7. Protocol development and approval. To quantify the amount of ERCs generated and the amount needed for compliance, all sources shall use the following hierarchy as a guide to determine the most desirable emission data to report to the department. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place:

A. Continuous Emission Monitoring System (CEMS) as specified in 10 CSR 10-6.110;

B. Stack tests as specified in 10 CSR 10-6.110;

C. Material/mass balance;

D. AP-42 (Environmental Protection Agency (EPA) *Compilation of Air Pollution Emission Factors*) or FIRE (Factor Information and Retrieval System);

E. Other U.S. EPA documents as specified in 10 CSR 10-6.110;

F. Sound engineering calculations;

G. Facilities shall obtain department approval of emission estimation methods other than those listed in subparagraphs (3)(B)7.A.-F. of this rule before using any such method to estimate emissions in the submission of data.

8. ERC use for NSR. All ERCs used to meet NSR offset requirements shall comply with the requirements of state rule 10 CSR 10-6.060, Construction Permits Required.

9. Compliance burden.

A. The ERC user source is responsible for assuring that the generation and use of ERCs comply with this rule.

B. The ERC user source (not the enforcing authority) bears the burden of proving that ERCs used are valid and sufficient and that the ERC use meets all applicable requirements of this rule. The ERC user source is responsible for compliance with its underlying obligations. In the event of enforcement against the user source for non-compliance, it shall not be a defense for the purpose of determining civil liability that the user source relied in good faith upon the generator source's representations.

C. In the event of an invalid ERC, the generator source shall receive a Notice of Violation and the ERC user must find additional ERCs to comply with offset requirements.

10. Sources that emit less than ten (10) tons per year. *(Reserved)*

(C) Offsets. Offsets referred to in 10 CSR 10-6.060 subsection (7)(B) are subject to the following conditions:

1. Except for previously banked emission reduction credits, no offset credit may be taken for emission reductions occurring prior to the base year used to project attainment of the pollutant standard in the state implementation plan; and

2. No offset credit may be taken for emission reductions previously used in determining net emission increases or used to create alternate emission limits.

(D) Banking. Banking credit for emission reductions to use as offsets, at some future time, shall be allowed under the following circumstances:

1. The person requesting banking is the owner or operator of:

A. A new or modified installation who obtains a permit by applying offsets which exceed the requirements of 10 CSR 10-6.060; or

B. An existing installation in a nonattainment area who voluntarily reduces emissions of the nonattainment pollutant after the base year used in the state implementation plan;

2. For source operations in the nonattainment areas for which reasonable available control technology (RACT) would be required, but as yet has not been defined, actual emission levels shall be reduced to represent post-RAct levels. The control technology assumed for these calculations shall be mutually agreed upon by the applicant and the director of the Missouri Department of Natural Resources Air Pollution Control Program. Only emission reductions beyond the post-RAct emissions levels will be creditable;

3. Credit for emission reductions beyond those that were required by RACT or paragraph (3)(D)2. of this rule at a shutdown installation and that are in excess of those needed to offset a replacement installation can be banked by the owner and can be transferred or used for offset or alternate emission limits;

4. It shall be a violation of this rule for any person to operate a source operation from which banked credit for emission reductions was obtained so as to emit the pollutant at levels greater than identified in the offset calculation referred to in subparagraph (3)(B)4.C. of this rule, unless the person who banked credit for the reductions, or their transferee, first files a notice with the director of the Missouri Department of Natural Resources' Air Pollution Control Program stating that credit for the reductions or a part of the credit

is being withdrawn from the bank, and credit has not previously been withdrawn; and

5. The amount of banked emission reduction credits shall be discounted without compensation to the holder in the applicable source category when new rules requiring emission reductions are adopted by the commission. The amount of discounting of banked emission reduction credits shall be calculated on the same basis as the reductions required for existing sources which are subject to the new rule. A portion of banked credits, equivalent to the anticipated required reductions may be temporarily frozen by the director of the Missouri Department of Natural Resources' Air Pollution Control Program in anticipation of a new rule being adopted by the commission. This paragraph, however, shall not apply to emission reductions, discounted at the time of banking in accordance with paragraph (3)(D)2. of this rule, unless the new rule provides for the replacement RACT with BACT or another more stringent level of control.

(4) Reporting and Record Keeping.

(A) The Account Application shall include the following information, submitted on a form supplied by the Missouri Department of Natural Resources:

1. The name and address of account holder;

2. Authorized account representative and alternate authorized account representative; and

3. County plant identification number (if applicable).

(B) The Notice and Certification of Generation shall include the following information, submitted on a form supplied by the Missouri Department of Natural Resources:

1. Account identification number;

2. Date generating activity was completed;

3. A brief description of the generation activity;

4. The amount of ERCs generated;

5. Affected emission units;

6. The protocols that were used to calculate and document the ERCs;

7. Information on all the generator source's applicable emission rates;

8. A statement that the reductions were calculated in accordance with paragraph (3)(B)1. of this rule;

9. A statement that the ERCs were not generated in whole or in part from actions prohibited pursuant to paragraph (3)(B)2. of this rule;

10. For each source subject to reporting toxic chemical releases for the Community Right-to-Know provisions under 40 CFR part 372, the estimated amount of hazardous air pollutants, as defined below, emitted to the air as the result of the generation of the ERC.

A. A pollutant shall be reported under this paragraph, only if it is listed both in 40 CFR 372.65 and section 112(b) of the Clean Air Act, and a chemical which the source is reporting or expects to report under 40 CFR part 372 for the calendar year in which the ERC was generated.

B. The requirements in 40 CFR 373.30(b) shall be followed for the notice.

C. The exemptions listed in 40 CFR 372.38 for determining the amount of release to be reported under 40 CFR 372.30 shall also be exemptions for determining the amount emitted under this subsection.

D. The notice shall include:

(I) The name and Chemical Abstracts Service (CAS) number (if applicable) of the chemical reported;

(II) If the chemical identity is claimed trade secret under 40 CFR 372, a generic name for the chemical as reported under 40 CFR 372.85(b)(11);

(III) A mixture component identity if the chemical identity is not known; and

(IV) An estimate of total air emissions, in pounds, for the relevant time period of ERC generation. Releases of less than one thousand (1,000) pounds may be indicated in ranges; and

11. Signature of authorized account representative and/or the signature and seal of a professional engineer registered in the state of Missouri.

(C) The Notice of Intent to Use ERCs shall include the following information submitted on a form supplied by the Missouri Department of Natural Resources:

1. The name of the facility;
2. The emissions unit and the applicable pollutant;
3. Account identification number;
4. The date(s) on which the ERCs were acquired;
5. The amount of ERCs used and the associated serial numbers;
6. The applicable state and federal requirements that the ERCs were used to comply with;
7. The emissions quantification protocols that were used to calculate the amount of ERCs required to demonstrate compliance and documentation for the compliance calculation under paragraph (3)(B)7. of this rule;

8. A statement that due diligence was made to verify that the ERCs were not previously used and not generated as a result of actions prohibited under this regulation or other provisions of law;

9. A statement that the ERCs were not used in a manner prohibited under this regulation or other provisions of law;

10. For each source subject to reporting toxic chemical releases for the Community Right-to-Know provisions under 40 CFR part 372, the estimated amount of hazardous air pollutants emitted to the air as the result of the use of the ERC to meet otherwise applicable requirements. The estimated amount shall include emissions increases and any emission reductions used for ERCs instead of non-ERC compliance with otherwise applicable requirements. The same procedures shall be followed as the similar requirement under the Notice and Certification of Generation; and

11. Signature of authorized account representative and the signature and seal of a professional engineer registered in the state of Missouri.

(D) Notice of Withdrawal shall include the following information submitted on a form supplied by the Missouri Department of Natural Resources:

1. The name of the facility;
2. The emissions unit and the applicable pollutant;
3. Account identification number;
4. The serial numbers of the ERCs to be withdrawn;
5. The reason for the withdrawal;
6. A copy of the Notice and Certification of Generation submitted by the generator source to the state; and

7. Signature of authorized account representative and/or the signature and seal of a professional engineer registered in the state of Missouri.

(E) The Notice of Transfer shall include the following information submitted on a form supplied by the Missouri Department of Natural Resources:

1. The name of the account holder that is trading the ERCs;
2. The name of the account holder that is receiving the ERCs;
3. Account identification number;
4. The amount of ERCs to be transferred and the associated serial numbers and applicable pollutants;

5. A statement that due diligence was made to verify that the ERCs were not previously used and not generated as a result of actions prohibited under this regulation or other provisions of law; and

6. Signature of authorized account representatives from both accounts signifying that both account holders agree to the requested transfer.

(F) The generator source shall document the protocol and specific data by which an ERC is quantified. Generator sources shall transfer all such documentation to any transferee at the time that ownership of an ERC is transferred. The user source shall document the protocol and specific data by which the amount of ERCs needed for compliance was determined. The user source shall maintain all relevant documentation for a minimum of five (5) years after an ERC is used for compliance. Records shall be kept with at least the same frequency as required for the underlying requirement.

(5) Test Methods. (Not Applicable)

AUTHORITY: section 643.050, RSMo 2000 and 643.220, RSMo Supp. 2001. Original rule filed Aug. 2, 2002.

PUBLIC COST: This proposed rule will cost one hundred and forty-eight thousand one hundred seventy-four dollars (\$148,174) for the first full fiscal year. Aggregate cost of the rule is \$2,160,818. Note attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed rule will cost \$3,745,018 in the aggregate. Note attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., October 24, 2002. The public hearing will be held at the Traveler's Inn Christian Bed and Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., October 31, 2002. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10-6.410 - Emissions Banking and Trading

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Department of Natural Resources | \$2,160,818 |

III. WORKSHEET

A. Personnel

| | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|------------------------------|----------|-----------|-----------|-----------|-----------|
| 2 Full Time Employees | \$22,047 | \$90,394 | \$92,653 | \$94,970 | \$97,344 |
| Fringe Benefits | \$7,349 | \$30,128 | \$30,881 | \$31,653 | \$32,444 |
| Expense and Equipment | \$6,744 | \$27,652 | \$28,344 | \$29,052 | \$29,779 |
| Total Per Year | \$36,140 | \$148,174 | \$151,878 | \$155,675 | \$159,567 |

| | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
|------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| 2 Full Time Employees | \$99,778 | \$102,272 | \$104,829 | \$107,450 | \$110,136 | \$84,667 |
| Fringe Benefits | \$33,255 | \$34,087 | \$34,939 | \$35,812 | \$36,708 | \$28,219 |
| Expense and Equipment | \$30,523 | \$31,286 | \$32,068 | \$32,870 | \$33,692 | \$25,901 |
| Total Per Year | \$163,556 | \$167,645 | \$171,836 | \$176,132 | \$180,536 | \$138,787 |

| | |
|------------------------------------|-------------|
| Total Cost for Life of Rule | \$1,649,926 |
|------------------------------------|-------------|

B. Tracking System and Registry

| | FY2003 | FY2004 | FY2005 | FY2006 | FY2007 |
|---------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Tracking system & Registry | \$500,000 | \$1,000 | \$1,025 | \$1,051 | \$1,077 |

| | FY2008 | FY2009 | FY2010 | FY2011 | FY2012 | FY2013 |
|---------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Tracking System & Registry | \$1,104 | \$1,131 | \$1,160 | \$1,189 | \$1,218 | \$937 |

| | |
|------------------------------------|------------------|
| Total Cost for Life of Rule | \$510,892 |
|------------------------------------|------------------|

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be ten (10) years although the duration of the rule is indefinite. If the life of the rule extends beyond ten years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Assumed a 2.5% increase in expenses per year.
3. Assumed the two full time employees to be one and a half (1-1/2) Environmental Engineer I/IIs and one-half (1/2) Accounting Analyst I/II.
4. Assumed the tracking of the accounts and emission reduction credits registry will be performed using computer software and an internet website.
5. Assumed the total capital cost of the tracking system and registry will be in the first fiscal year of the rule (FY 2003). The capital costs are assumed to be \$500,000.
6. Assumed a yearly maintenance cost for the tracking system and registry for the life of the rule.
7. FY 2003 costs are for the last 3 months of the fiscal year.
8. Salaries are based on the Basic Compensation Pay Grid.
9. Fringe Benefits and Equipment and Expenses are based on coding sheets provided by the Office of Administration.

FY 2013 costs are for the first 9 months of the fiscal year.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 – Department of Natural Resources

Division: 10 – Air Conservation Commission

Chapter: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10-6.410 – Emissions Banking and Trading

II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by types of the business entities which would likely be affected: | Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: |
|--|--|--|
| 100 | Facilities that emit more than ten (10) tons per year for a criteria pollutant, or its precursors, and are located in a nonattainment area, maintenance area or air quality modeling domain. | \$3,745,018 |

III. WORKSHEET

| | FY2003 | FY2004 | FY2005 | FY2006 | FY2007 |
|--|---------------|---------------|---------------|---------------|---------------|
| Professional Engineer Salary (per hour) | \$75.00 | \$76.87 | \$78.80 | \$80.77 | \$82.79 |
| Preparation Time (hours) | 40 | 40 | 40 | 40 | 40 |
| Cost per Private Entity | \$3,000 | \$3,075 | \$3,152 | \$3,231 | \$3,311 |
| 100 Private Entities | \$300,000 | \$307,500 | \$315,188 | \$323,067 | \$331,144 |

| | FY2008 | FY2009 | FY2010 | FY2011 | FY2012 | FY2013 |
|--|---------------|---------------|---------------|---------------|---------------|---------------|
| Professional Engineer Salary (per hour) | \$84.86 | \$86.98 | \$89.15 | \$91.38 | \$93.66 | \$96.00 |
| Preparation Time (hours) | 40 | 40 | 40 | 40 | 40 | 40 |
| Cost per Private Entity | \$3,394 | \$3,479 | \$3,566 | \$3,655 | \$3,747 | \$3,840 |
| 100 Private Entities | \$339,422 | \$347,908 | \$356,606 | \$365,521 | \$374,659 | \$384,003 |

| | |
|------------------------------------|--------------------|
| Total cost for life of rule | \$3,745,018 |
|------------------------------------|--------------------|

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be ten (10) years although the duration of the rule is indefinite. If the life of the rule extends beyond ten years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Assume that 100 private entities will voluntarily participate in this program.
3. Assume that preparation of the necessary forms required to participate in the program will take 40 hours per year by a Professional Engineer registered in the State of Missouri.
4. Assume that a Professional Engineer registered in the State of Missouri earns \$75 per hour in FY2003. Assume this hourly rate increases by 2.5% per year.
5. It is estimated that the cost of air pollution control equipment installed by the private entity will be offset by the profit made by selling or trading the emission reduction credits to other entities. However, since the cost of ERC's is unknown at this time, these cost savings are not included in the fiscal note.
6. For FY2003 and FY2013 the rule will be effective for only the last three months and the first nine months, respectively. However, it is assumed that the same number of private entities (100) will participate in the program during these periods as would participate during a full year.
7. Values in the table are rounded.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration
for the Healing Arts**
Chapter 2—Licensing of Physicians and Surgeons

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.090.2 and 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.080 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2002 (27 MoReg 776). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo 2000, the board amends a rule as follows:

**5 CSR 50-340.030 Standards for Missouri School Library Media
Centers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2002 (27 MoReg 692-693). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 850—Professional Development

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.276, 160.278, 160.281 and 161.283, RSMo 2000, the board rescinds a rule as follows:

**5 CSR 80-850.010 Administrative Procedures for the Teacher
Education Scholarship Program is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2002 (27 MoReg 694-695). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 850—Professional Development

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.276, 160.278, 160.281 and 160.283, RSMo 2000, the board adopts a rule as follows:

**5 CSR 80-850.010 Administrative Procedures for the Teacher
Education Scholarship Program is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2002 (27 MoReg 695-698). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The office of Teacher Quality and Urban Education received one (1) comment on the proposed rule.

COMMENT: A Missouri resident filed a comment supporting the program and stating that the Teacher Education Scholarship Program is a "win-win" program "for the state, the schools, the residents of Missouri, and the students." The comment also questioned some procedures and amounts of the scholarship.

RESPONSE: The State Board of Education carefully reviewed the comment and decided to make no changes.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 1—Organization and Description

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under section 630.050, RSMo 2000, the director amends a rule as follows:

9 CSR 10-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2002 (27 MoReg 863–865). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director amends a rule as follows:

9 CSR 10-5.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2002 (27 MoReg 618–620). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received twelve (12) comments on the proposed amendment. Extensive comments were received and modifications made on these same amendments during the development of internal Department Operating Regulations prior to publishing this rule amendment.

COMMENT: One person commenting on subsection (1)(B) objected to the language “or otherwise creating undue anxiety” since they felt the phrase was so vague and indefinite as to not reasonably inform a provider with what the standard of conduct required by the department was, since many consumers are frequently anxious without outside influence.

RESPONSE: The first sentence in the Class II neglect definition specifies that it is the failure of an employee to provide reasonable and necessary services. Any reasonable or necessary treatment creating anxiety would thus not be considered undue. The second sentence states that this anxiety must be caused by action or behavior, so the consumer’s mental status without such would not be relevant. The department feels consumers are often vulnerable and subject to control and harm by negligent actions or behavior by their caregivers and for that reason feel that this addition is important, yet it is not the intent to hold employees accountable for a consumer’s psychiatric variations in symptoms. Therefore, the department has not revised the amendment as requested.

COMMENT: One person voiced support for the amendment of class II neglect in subsection (1)(B) adding the component of “psychological abuse” and recommended that another section be added to address intentional actions to differentiate those malicious acts.

RESPONSE: The department feels intent is a subjective and the outcome is the concern, and has not revised the amendment as requested.

COMMENT: One person commenting on subsection (1)(C) suggested that “directly” be inserted after the word “services” in the definition of consumer to make clear that it does not cover persons who incidentally receive services from a program or facility contracted, licensed, certified or funded by the department. Otherwise, businesses that contract with the department offering services to others who are not department consumers through related subsidiaries would be covered by this amendment.

RESPONSE AND EXPLANATION OF CHANGE: Although there is no intention to investigate all situations regarding nondepartment funded consumers, there are incidents which the department needs the discretion to explore the impact upon department consumers where department consumers are also receiving services in the same licensed certified or department funded program or facility where the incident occurred. The department has no intention of investigating incidents at subsidiaries that do not serve department consumers. Therefore, the department agrees and has revised the subsection accordingly.

COMMENT: One person suggested that in subsection (1)(F), the term sexual manner be defined or eliminated because the term is so vague and indefinite as to not reasonably inform a provider of what conduct is required of it.

RESPONSE: Sexual manner was added since the old definition of sexual purpose was defined, however arousal or gratification is subjective regarding the feelings of the alleged perpetrator. There are specific actions listed as examples that are in context when specified that they are for sexual purpose or in a sexual manner. The department will utilize the standard of what is reasonable to a lay person as this cannot be defined in a finite manner for any specific time period. Context and relation are important dependent on each unique situation. Therefore, the department has not revised the amendment as requested.

COMMENT: One person was concerned regarding the addition of kissing in the definition of sexual abuse in (1)(F) commenting that they serve people who have a lifelong habit of kissing people they are fond of and wondered if there was a distinction between kissing in a friendly way and kissing for the arousing of people’s sexual desires.

RESPONSE: The definition makes this distinction that it be for sexual purpose or in a sexual manner. The department recommends clear limitations be placed in policy regarding the appropriate settings and circumstances for this behavior, such as kissing on the cheek from a foster parent to a foster child. Regardless of whether an activity meets this definition of sexual abuse, these distinctions should be made to ensure professional behavior on the part of paid professional staff. Therefore, the department has not revised the amendment as requested.

COMMENT: One person believed the wording in paragraph (1)(F)5. was vague or confusing. They felt that failing to intervene in an attempt to stop sexual activity between consumers does not take into account whether they have guardians or are acting as consenting adults. There was also a question whether to stop those with venereal diseases and maintain the confidentiality of the diagnosis.

RESPONSE: The term in the definition “inappropriate” addresses the type of sexual activity to stop. Inappropriate must be determined by the treatment team on an individual basis considering many factors. The definition gives discretion to stop this activity, not appropriate activity in licensed facilities consistent with Department of Health and Senior Services regulations. Therefore, the department has not revised the amendment as requested.

COMMENT: Two (2) persons questioned section (3) on the immediate reporting issue regarding the requirements of the type of allegations or suspicions to be reported to law enforcement. One feels it should be reported when the transgression warrants, but until the investigation is over this cannot be determined. They felt there should be some flexibility in the area and investigators and the agency should collaborate in making the decision. The other was not sure providers would be able to tell when something was a criminal charge and suggested referring to the physical-injury provisions of section 630.168, RSMo.

RESPONSE AND EXPLANATION OF CHANGE: The majority of these requirements are required by statute. The department asserts those items listed should be reported as law enforcement will determine the feasibility of criminal issues and will investigate the likelihood; and one should err on the side of protection of the consumer. To determine those items which may result in a criminal charge, the department recommends that agency personnel meet with local law enforcement to discuss incidents that are appropriate to report. The department agrees with the reference to the physical-injury provisions of section 630.168, RSMo and has revised the section accordingly. It was recognized that subsection (3)(B) stating "Abuse or neglect which results in physical injury" should not be removed since this is a statutory requirement and it is felt that this statutory language should be present in the rule for common recognition. Therefore, the department has revised subsection (3)(B) of the proposed amendment as follows. The language that the department proposed to delete in subsection (3)(B) is restored. The language that the department proposed to add to subsection (3)(B) is retained but moved to a new subsection (3)(C).

COMMENT: One person wondered if in subsection (3)(B) whether they would need to report class II neglect to law enforcement when it involved "psychological abuse."

RESPONSE: Typically these would not result in a criminal charge, however in some instances they could such as harassment or stalking. If someone feels it may result in a criminal charge, it should be reported. The department has not revised the amendment in response to this comment.

COMMENT: One person felt that the amendment in section (12) was confusing regarding the mention of two (2) counts of class II neglect or one (1) count of class II neglect and one (1) count of verbal abuse qualifying an individual for placement on the Disqualification Registry. They stated that there are two (2) different qualifiers for class II neglect.

RESPONSE: That is correct. The intention is that there are two qualifiers that involve class II neglect. Previously if a person had one (1) count of verbal abuse and one (1) count of class II neglect in twelve (12) months, they would not be eligible for the Registry, now they will. The department has not revised the amendment in response to this comment.

COMMENT: One person suggested that section (12) be clarified regarding the substantiation of class II neglect and verbal abuse—when the clock starts and ends on the twelve (12)-month period.

RESPONSE: The department believes the section is clear as it specifies if the employee perpetrated this within twelve (12) months, thus the act of perpetration would be the date of the incident or action. The department has not revised the amendment in response to this comment.

COMMENT AND EXPLANATION OF CHANGE: The department will add an additional section to be known as (14). This is added since it is statutory language the department feels should be repeated here for common recognition.

COMMENT: One person's overall comment was that the deadlines for decisions should be lengthened.

RESPONSE: The deadlines were lengthened in the amendment by changing from calendar days to working days. Therefore, the department has not revised the amendment further as requested.

9 CSR 10-5.200 Report of Complaints of Abuse, Neglect and Misuse of Funds/Property

(1) The following words and terms, as used in this rule, mean:

(C) Consumer, individual (client, resident, patient) receiving services directly from any program or facility contracted, licensed, certified or funded by the department;

(3) The head of the facility, day program or specialized service that is licensed, certified or funded by the department shall immediately report to the local law enforcement official any alleged or suspected—

(A) Sexual abuse; or

(B) Abuse or neglect which results in physical injury; or

(C) Abuse, neglect or misuse of funds/property which may result in a criminal charge.

(14) No director, supervisor or employee of a residential facility, day program or specialized service shall evict, harass, dismiss or retaliate against a consumer or employee because he or she or any member of his or her family has made a report of any violation or suspected violation of consumer abuse, neglect or misuse of funds/property. Penalties for retaliation may be imposed up to and including cancellation of agency contracts and/or dismissal of such person.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 40—Land Reclamation Commission
Chapter 10—Permit and Performance Requirements for
Industrial Mineral Open Pit and In-Stream Sand and
Gravel Operations

ORDER OF RULEMAKING

By the authority vested in the Land Reclamation Commission under sections 444.530, RSMo 2000 and 444.767, RSMo Supp. 2001, the commission amends a rule as follows:

10 CSR 40-10.020 Permit Application Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2002 (27 MoReg 626-630). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Land Reclamation Commission received comments on this proposed amendment from Cindy Peterson, Vice President of Petersen Gravel and Ready Mix, Inc. and Tracy Landing. The comments focused on inequity of the amount of the fee increase, the need to track the amount of revenue generated by the new fees and the expenditures of the program in administering the law, the need for additional justification for the amounts of the increased fees, the need for the Department of Natural Resources to plan better in order to avoid sharp increases in fees, and the stress the new fees place upon small businesses. The public comment period ended on June 14, 2002. A public hearing was held on this proposed amendment on May 23, 2002 and there were no public comments received.

COMMENT: Cindy Petersen, Vice President of Petersen Gravel & Ready Mix, Inc. stated that the three hundred dollars (\$300) site fee in an increase of six hundred fifty percent (650%) or if the site is used less than six (6) months during a permit year, one hundred

dollars (\$150) or a two hundred seventy-five percent (275%) increase from the present fee structure. This business may operate on more than fifteen (15) sites per year and obtain less tonnage than another competitor operator who can obtain more tonnage from fewer sites.

RESPONSE: Effective August 28, 2001, House Bill 453 amended section 444.772.4 RSMo to allow for up to three hundred dollars (\$300) for each site to be required by the commission. This fee may be lowered by fifty percent (50%) if the site is operated for less than six (6) months out of the permit year. One of the main costs to the program is born by the field inspection of these sites. While the cost of the program is relatively close to inspect one (1) medium sized mining site as it is for one (1) small mining site, the cost of inspecting multiple small sites is far greater than they are a medium or large site. The legislature made a provision to ease the economic hardship to the permit applicant upon how long the site is operated throughout the year.

COMMENT: Cindy Petersen, Vice President of Petersen Gravel & Ready Mix, Inc. stated they were informed by the staff that the minimum "site size" is to be an acre and that they would be paying for "minimum acreage" as well.

RESPONSE: The interpretation made by the department on this comment is that Cindy Petersen, Vice President of Petersen Gravel & Ready Mix, Inc. assumes that each site will be permitted for at least one (1) acre and that the annual acreage fee of five dollars (\$5) per acre will be assessed at each site. The department's Land Reclamation Program has issued permits in the past based upon fraction of acres on individual sites and there are no plans to change this practice in the future. A site that is permitted for a fractional acreage would be charged a proportional acreage fee.

COMMENT: Cindy Petersen, Vice President of Petersen Gravel & Ready Mix, Inc. commented that these proposed fee increases would be passed on to private and public consumers at a time of economic distress within our state and during a state highway construction crisis.

RESPONSE: The department's Land Reclamation Program has not increased its permit application fees since 1990. The income from these fees is intended to operate the program independently, but for the past ten (10) years has failed to do so. With the increased requirements of public hearings under the amended legislation that was passed in 1989 and effective in 1990, the department has needed to raise the fees to a level that will allow the program to sustain itself. The newest change to the legislation in 2001 expands the opportunity for the public to request meetings and hearings. From fiscal year 1993 to 2001 the department has provided five hundred twenty-six thousand one hundred seventy-one dollars (\$526,171) in general revenue to the Land Reclamation Program in order to meet the needs of administering this law. In fiscal year 2002 there was no general revenue monies available to assist the Land Reclamation Program with meeting their obligation under this law due to the current economic situation in the state. There are no general revenue funds predicted to be available for the next fiscal year, at least. Without this fee increase it is expected that the program will run out of money sometime shortly before July 2003.

COMMENT: Tracy Landing commented that the increases to the fees are between 1.6 and 2.4 times greater than current fees. Overall the fee increase proposed are almost double of that which are currently in place. The fee increases are excessive. The proposed rule change could easily impact any one organization in several areas. For example, an organization may perform several types of industrial minerals mining operations and hold multiple permits, thereby impacting several of their operational and budget areas. Not only do you need to consider the proposed fee increase, you must also consider the additional financial responsibility imposed by the bond requirements of 10 CSR 40-10.030. Bonding, for these same companies, as well as the expense of making public notice and providing

maps of the mining property and the surroundings, etc. all have costs involved in doing business. Those costs are rising as the market dictates as well, however, at a more predictable level. The department must ensure that mining companies, especially small and medium sized ones, pay fair and equitable fees now and in the future. I realize there must be adequate funding while at the same time ensure excess collections are not being taken. Tracy Landing recommends to change the proposed rule to make a graduated increase over several years in order to be more consistent with economic conditions and to establish a mechanism to allow overpayments to be returned through lower fees in the next reporting year and strive to run an efficient reporting and compliance program.

RESPONSE: The department's Land Reclamation Program began to discuss and negotiate proposed fee increases with the industry in 1999. With industry support the legislation was amended in 2001 and these fees are proposed in 2002. Several years have been invested in the effort and the time taken has made these increases critical. The program has projected that the proposed fees would provide the department with approximately three hundred forty-four thousand and four hundred ninety-one dollars (\$344,491) per year. The current cost of doing business for the Land Reclamation Program was two hundred eighty-eight thousand three hundred twenty-one dollars (\$288,321) for fiscal year 2001. It is expected that the total expenditures for fiscal year 2002 will be at three hundred thousand dollars (\$300,000). The current balance in the fund to operate this program is at approximately one hundred seven thousand dollars (\$107,000). A minimum of two (2) years is required to change a state statute and followed by an additional year to change the required rule. There is currently less than six (6) months balance in the fund to pay program activities. It is projected that the expenses will exceed the income generated by these fees by fiscal year 2007. The balance in the fund would start to decline sharply at that time. However, there is no more than a balance of one hundred sixty-three thousand dollars (\$163,000) anticipated for this fund at any time before fiscal year 2007. Graduating the fees over a number of years would deplete this balance. There are no statutory provisions for returning any funds collected in excess of expenses, however the program must report annually its income and expense information.

COMMENT: Tracy Landing commented that currently the fee expiration is December 31, 2007, that this time frame is too long and recommends that the department revisit the expiration sooner, i.e., every two (2) or three (3) years to be able to mitigate increases based upon environmental changes.

RESPONSE: The department's Land Reclamation Program is required by statute to set the funding mechanism to allow the department to recover the cost of administering and enforcing the regulatory program. The law also sets up a mechanism of yearly reporting to the commission and public to account for the number of employees and activities performed the previous calendar year to administer and enforce the law. This fee structure will expire at the end of calendar year 2007 which means that new legislation will be needed in order to provide a funding mechanism to the Land Reclamation Program. Since it normally requires a minimum of two (2) full years to develop and pass new legislation a decision will need to be made before the end of calendar year 2005 on what form of funding will be needed to administer the program, which is only three (3) years away.

COMMENT: Tracy Landing commented that under HB 453 it indicated that the permit and renewal fees shall be established by rule and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed during the previous calendar year to administer sections 444.760 to 444.790. The fiscal note provided indicated the private entity costs, however, it does not mention

detail on specific administration costs that correlate with the fees. Since the state has reduced the number of jobs and the number of permits is moderate and stable, there is no information to support the use of increased funds. Tracy Landing recommends that the department provide additional documentation to tie back the costs and serve as true justification of the need to increase the fees so dramatically.

RESPONSE: The department's Land Reclamation Program has provided specific information outlining the department's cost in administering this program and the income generated from fees and other sources at the public meeting that was held on May 23, 2002. All companies who held valid permits to operate a surface mine were sent notifications of the date, time and location of this hearing well in advance. To summarize, the following charts represent the history and forecasts of income versus expenditures without and with the new fees:

**LAND RECLAMATION PROGRAM
INDUSTRIAL MINERALS FUND
INCOME VS. EXPENDITURES 1993 TO 2003
WITHOUT FEE INCREASE**

| YEAR | FEE INCOME | TOTAL EXPENSES | GENERAL REVENUE | BALANCE |
|------|-------------------|----------------|-----------------|--------------|
| 1993 | \$149,964.13 | \$201,398.66 | \$48,628.75 | \$100,386.22 |
| 1994 | \$177,279.13 | \$224,760.88 | \$72,509.66 | \$125,414.13 |
| 1995 | \$163,369.41 | \$240,144.32 | \$34,276.87 | \$82,916.09 |
| 1996 | \$166,977.25 | \$241,804.87 | \$46,518.51 | \$54,606.98 |
| 1997 | \$150,136.17 | \$238,983.85 | \$62,608.22 | \$28,367.52 |
| 1998 | \$245,363.30 | \$229,172.29 | \$36,052.40 | \$80,610.93 |
| 1999 | \$213,684.26 | \$204,741.18 | \$29,076.36 | \$118,630.37 |
| 2000 | \$202,926.15 | \$223,213.92 | \$91,338.95 | \$189,681.55 |
| 2001 | \$214,343.00 | \$288,321.00 | \$105,162.00 | \$220,865.55 |
| 2002 | \$187,115.00(avg) | \$300,821.00 | \$0.00 | \$107,160.42 |
| 2003 | \$187,115.00(avg) | \$313,321.00 | \$0.00 | \$0.00 |

**LAND RECLAMATION PROGRAM
INDUSTRIAL MINERALS FUND
INCOME VS. EXPENDITURES 1993 TO 2007
WITH FEE INCREASE**

| YEAR | FEE INCOME | TOTAL EXPENSES | GENERAL REVENUE | BALANCE |
|------|-------------------|----------------|-----------------|--------------|
| 1993 | \$149,964.13 | \$201,398.66 | \$48,628.75 | \$100,386.22 |
| 1994 | \$177,279.13 | \$224,760.88 | \$72,509.66 | \$125,414.13 |
| 1995 | \$163,369.41 | \$240,144.32 | \$34,276.87 | \$82,916.09 |
| 1996 | \$166,977.25 | \$241,804.87 | \$46,518.51 | \$54,606.98 |
| 1997 | \$150,136.17 | \$238,983.85 | \$62,608.22 | \$28,367.52 |
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| 1999 | \$213,684.26 | \$204,741.18 | \$29,076.36 | \$118,630.37 |
| 2000 | \$202,926.15 | \$223,213.92 | \$91,338.95 | \$189,681.55 |
| 2001 | \$214,343.00 | \$288,321.00 | \$105,162.00 | \$220,865.55 |
| 2002 | \$187,115.87(avg) | \$300,821.00 | \$0.00 | \$107,160.42 |
| 2003 | \$344,491.00 | \$313,321.00 | \$0.00 | \$138,330.42 |
| 2004 | \$344,491.00 | \$325,821.00 | \$0.00 | \$157,000.42 |
| 2005 | \$344,491.00 | \$338,321.00 | \$0.00 | \$163,170.42 |
| 2006 | \$344,491.00 | \$350,821.00 | \$0.00 | \$156,840.42 |
| 2007 | \$344,491.00 | \$363,321.00 | \$0.00 | \$130,010.42 |

The department's industrial minerals fund balance is projected to run out of funds sometime near July 2003 without the increase in fees. The proposed fee increase will provide a viable program until 2007 which is when the law states that the fees will expire.

COMMENT: Tracy Landing commented that the current fees in place were imposed effective August 28, 2001 and it has been less than one (1) year since the fees were changed. Proper forecasting and analysis should have provided a need for the increase at that time. This proposed rule indicates poor planning on the part of the department. The burden should not be solely placed on the mining companies. Tracy Landing further commented that the department should pay considerable attention to trends and seek additional guidance if necessary to reduce or eliminate the need to make modifications so often.

RESPONSE: In 1999 the department held six (6) public meetings at the regional offices to discuss this and other planned changes to the rules. These meetings were publicized to all permit holders and were attended by various individuals. At those meetings there were opinions expressed that the current fee system is unfair and needed to be changed. Over the next two (2) years the department worked with industry and the legislature to develop a system of permit fees that would be fairer to the applicants. After several open legislative hearings House Bill 453 was developed. The Missouri Limestone Producers Association and Mining Industry Council of Missouri as well as several individual mining company representatives were involved in the development of HB 453. These groups and individuals have accepted the fact that this proposed rulemaking is necessary to continue this state program. House Bill 453 was passed in 2001 and requires that "Permit and renewal fees shall be established by rule....", see section 444.772.4, RSMo Supp. 2001. The only fees that are currently in effect are those that were adopted in 1994 following statutory changes that occurred in 1990. The fees have not changed since that time and this rule amendment is the only effort that has been undertaken to change those fees by rule since 1994.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.010 and 144.020, RSMo Supp. 2001, the director adopts a rule as follows:

12 CSR 10-103.395 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2002 (27 MoReg 713). Changes have been made in the text of the proposed rule, and those changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) written comment on the proposed rule.

COMMENT: The commenter requested that the regulation clarify that the exemptions provided by section 144.030.2(18), RSMo, may also be applicable to these transactions.

RESPONSE AND EXPLANATION OF CHANGE: 12 CSR 10-103.395(3)(D) currently cross-references 12 CSR 10-110.013, which explains the exemptions contained in section 144.030.2(18). The department has amended subsection (3)(D), in order to clarify this reference.

12 CSR 10-103.395 Physicians, Dentists and Optometrists

(3) Basic Application of Tax.

(D) See also 12 CSR 10-110.013 Drugs and Medical Equipment, which contains an explanation of other exemptions that may apply to these transactions.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 100—Division of Credit Unions

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

| Credit Union | Proposed New Group or Geographic Area |
|--|---|
| Jefferson City Highway Credit Union 3124 W. Edgewood Jefferson City, MO 65109 | Persons living or working in Cole County, Missouri. |
| Farmland Industries Credit Union 12200 N. Ambassador Drive Kansas City, MO 64163 | Current and retired employees, their immediate families and/or their heirs, administrators, executors, trustees or organizations or trusts participated in or comprised of such members of Farmland Industries, Inc., Cap Gemini Ernst & Young U.S. |

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the *Missouri Register*.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 100—Division of Credit Unions

**ACTIONS TAKEN ON
APPLICATIONS FOR NEW GROUPS
OR GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

| Credit Union | Proposed New Group or Geographic Area |
|---|---|
| First Community Credit Union 15715 Manchester Road Ellisville, MO 63011 | Individuals who reside or work in the counties of Lincoln, Warren, Franklin, Washington, St. Francois, Ste. Genevieve, Pike, Montgomery, Gasconade and Crawford in the state of Missouri and the City of St. Louis. |
| Wireco Credit Union 905 N 3 rd Street St. Joseph, MO 64501 | Anyone who lives or works in Buchanan County and their family members. |
| Mizzou Credit Union 111 East Broadway Columbia, MO 65205 | Individuals who live or work in Cole County. |

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**

Division 60—Vocational and Adult Education
Chapter 120—Vocational Education

STATEMENT OF ACTUAL COST

5 CSR 60-120.010 State Plan for Vocational Education

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 821–822). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was \$23,976,228 and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was \$24,723,396 in the Fiscal Year 2002 and is estimated to cost \$26,461,925 for the Fiscal Year 2003.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**

Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

STATEMENT OF ACTUAL COST

5 CSR 90-4.430 Mediation

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 374–375). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was four hundred eighty-five dollars (\$485) and at the end of the first full federal fiscal year, the actual cost to state agencies and political subdivisions was five hundred ninety-seven dollars and seventy-six cents (\$597.76).

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

STATEMENT OF ACTUAL COST

5 CSR 90-5.420 Maintenance and Transportation

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 379–381). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was \$1,171,477 and at the end of the first full federal fiscal year, the actual cost to state agencies and political subdivisions was \$1,308,116.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

STATEMENT OF ACTUAL COST

5 CSR 90-5.430 Physical and Mental Restoration

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 382–383). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was six hundred thousand dollars (\$600,000) and at the end of the first full federal fiscal year, the actual cost to state agencies and political subdivisions was seven hundred seventy-three thousand three hundred ninety-seven dollars (\$773,397).

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

STATEMENT OF ACTUAL COST

5 CSR 90-5.450 Home Modification and/or Remodeling

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on February 15, 2000 (25 MoReg 387–388). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was eighteen thousand eight hundred thirty-eight dollars (\$18,838) and at the end of the first full federal fiscal year, the actual cost to state agencies and political subdivisions was thirty-three thousand one hundred seventy-eight dollars (\$33,178).

Schedule of Compensation as Required by Section 476.405 RSMo

| | RSMo Citation | Highest Salary FY 2002 | Highest Salary FY 2003 |
|----------------------------------|---------------|------------------------|------------------------|
| <u>Supreme Court</u> | | | |
| Chief Justice | 477.130 | \$125,500 | \$125,500 |
| Judges | 477.130 | 123,000 | 123,000 |
| <u>Court of Appeals</u> | | | |
| Judges | 477.130 | 115,000 | 115,000 |
| <u>Circuit Court</u> | | | |
| Circuit Court Judges | 478.013 | 108,000 | 108,000 |
| Associate Circuit Judges | 478.018 | 96,000 | 96,000 |
| <u>Juvenile Officers</u> | 211.381 | | |
| Juvenile Officer | | 40,676 | 40,676 |
| Chief Deputy Juvenile Officer | | 34,602 | 34,602 |
| Deputy Juvenile Officer Class I | | 30,635 | 30,635 |
| Deputy Juvenile Officer Class 2 | | 27,733 | 27,733 |
| Deputy Juvenile Officer Class 3 | | 25,132 | 25,132 |
| <u>Court Reporters</u> | 485.060 | 48,660 | 48,660 |
| <u>Probate Commissioner</u> | 478.266 | 108,000 * | 108,000 * |
| | & 478.267 | | |
| Deputy Probate Commissioner | 478.266 | 96,000 * | 96,000 * |
| <u>Family Court Commissioner</u> | 211.023 | 96,000 * | 96,000 * |
| | & 487.020 | | |
| <u>Circuit Clerk</u> | | | |
| 1st Class Counties | 483.083 | 60,330 | 60,330 |
| St. Louis City | 483.083 | 100,267 | 100,267 |
| Jackson, Jasper & Cape Girardeau | 483.083 | 65,337 | 65,337 |
| 2nd & 4th Class Counties | 483.083 | 54,249 | 54,249 |
| 3rd Class Counties | 483.083 | 47,300 | 47,300 |
| Marion-Hannibal & Palmyra | 483.083 | 53,378 | 53,378 |
| Randolph & Lewis | 483.083 | 51,811 | 51,811 |

*Salaries are tied to those of Circuit and Associate Circuit Judges.

Schedule of Compensation as Required by Section 105.005 RSMo

| <u>Office</u> | <u>RSMo Citation</u> | <u>Statutory Salary FY 2002</u> | <u>Statutory Salary FY 2003</u> |
|--|----------------------|---------------------------------|---------------------------------|
| Elected Officials | | | |
| Governor | 26.010 | \$120,087 | \$120,087 |
| Lt. Governor | 26.010 | 77,184 | 77,184 |
| Attorney General | 27.010 | 104,332 | 104,332 |
| Secretary of State | 28.010 | 96,455 | 96,455 |
| State Treasurer | 30.010 | 96,455 | 96,455 |
| State Auditor | 29.010 | 96,455 | 96,455 |
| General Assembly | | | |
| Senator | 21.140 | 31,351 | 31,351 |
| Representative | 21.140 | 31,351 | 31,351 |
| Speaker of House | 21.140 | 33,851 | 33,851 |
| President Pro Tem of Senate | 21.140 | 33,851 | 33,851 |
| Speaker Pro Tem of the House | 21.140 | 32,851 | 32,851 |
| Majority Floor Leader of House | 21.140 | 32,851 | 32,851 |
| Majority Floor Leader of Senate | 21.140 | 32,851 | 32,851 |
| Minority Floor Leader of House | 21.140 | 32,851 | 32,851 |
| Minority Floor Leader of Senate | 21.140 | 32,851 | 32,851 |
| State Tax Commissioners | 138.230 | 94,029 | 94,029 |
| Administrative Hearing Commissioners | 621.015 | 91,637 | 91,637 |
| Labor and Industrial Relations | | | |
| Commissioners | 286.005 | 94,029 | 94,029 |
| Division of Workers' Compensation | | | |
| Legal Advisor | 287.615 | 76,800 * | 76,800 * |
| Chief Counsel | 287.615 | 78,800 * | 78,800 * |
| Administrative Law Judge | 287.615 | 86,400 * | 86,400 * |
| Administrative Law Judge in Charge | 287.615 | 91,400 * | 91,400 * |
| Director, Division of Workers' Compensation | 287.615 | 93,400 * | 93,400 * |
| Public Service Commissioners | 386.150 | 94,029 | 94,029 |

| | <u>RSMo Citation</u> | <u>Executive Level FY 2002</u> | <u>Executive Level FY 2003</u> |
|--|----------------------|--------------------------------|--------------------------------|
| Statutory Department Directors | | | |
| Administration, Agriculture, Corrections, Economic Development, Labor and Industrial Relations, Natural Resources, Public Safety, Revenue, and Social Services | 105.950 | I | I |
| Probation and Parole | | | |
| Chairman | 217.665 | III | III |
| Board Members | | IV | IV |

*Division of Workers' Compensation salaries are tied to those of Associate Circuit Judges.

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1E03036 Lift Truck 9/16/02

B1E03047 Frozen Foods: Bagels 9/16/02

B1E03032 Trailer: Refrigerated 9/17/02

B3Z03045 Training Courses on Hazardous Materials 9/17/02

B1E03020 Dishwashing Supplies & Services 9/18/02

B1E03050 SWAT Paks 9/18/02

B1E03045 Skid Steer Loaders & Attachments 9/19/02

B3Z03056 African American Marketing-Tourism 9/20/02

B1E03011 Vehicles: Light Duty Trucks & SUV's 9/24/02

B1E03052 Oil, Fuel #2 Diesel 9/24/02

B3Z02222 Pharmacy Services 9/24/02

B1E03055 All Terrain and Utility Vehicles 9/25/02

B1E03057 Ammunition 9/26/02

B1E03059 Rotary Mowers 9/26/02

B3Z03040 Electronic Payment Services (Credit/Debit Card & ACH Debit) 9/30/02

B2Z03000 Fleet Management System 10/7/02

B3Z03038 Women's Re-Entry Program Services 10/9/02

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

1.) Child Care Resource and Referral Services, supplied by the Missouri Child Care Resource and Referral Network.

2.) Call Management System Software Upgrade, supplied by Perimeter Technology.

1.) Private Provider Immunization Assessment, supplied by the Missouri Chapter of the American Academy of Pediatrics (MO-AAP).

2.) JD Edwards Accounting/Manufacturing Software & Support Services, supplied by JD Edwards.

1.) Administration in Sexual Assault Prevention, supplied by the Missouri Coalition Against Sexual Assault.

2.) National Registry Fees-Real Estate Appraisers, supplied by the Appraisal Subcommittee.

3.) Arbovirus Testing Kits, supplied by Focus Technologies, Cypress, CA.

James Miluski, CPPO,
Director of Purchasing

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration, and F indicates future effective date.

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|----------------------------------|---|-----------------------------------|---------------------|----------------|-----------------------------|
| OFFICE OF ADMINISTRATION | | | | | |
| 1 CSR 10 | State Officials' Salary Compensation Schedule | | | | .27 MoReg 189 This Issue |
| 1 CSR 10-11.010 | Commissioner of Administration | .27 MoReg 1159 | .27 MoReg 1180 | | |
| 1 CSR 15-2.200 | Administrative Hearing Commission | .27 MoReg 1093R | | | |
| 1 CSR 15-2.210 | Administrative Hearing Commission | .27 MoReg 1093R | | | |
| 1 CSR 15-2.230 | Administrative Hearing Commission | .27 MoReg 1093R | | | |
| 1 CSR 15-2.250 | Administrative Hearing Commission | .27 MoReg 1094R | | | |
| 1 CSR 15-2.270 | Administrative Hearing Commission | .27 MoReg 1094R | | | |
| 1 CSR 15-2.290 | Administrative Hearing Commission | .27 MoReg 1094R | | | |
| 1 CSR 15-2.320 | Administrative Hearing Commission | .27 MoReg 1095R | | | |
| 1 CSR 15-2.350 | Administrative Hearing Commission | .27 MoReg 1095R | | | |
| 1 CSR 15-2.380 | Administrative Hearing Commission | .27 MoReg 1095R | | | |
| 1 CSR 15-2.390 | Administrative Hearing Commission | .27 MoReg 1095R | | | |
| 1 CSR 15-2.410 | Administrative Hearing Commission | .27 MoReg 1096R | | | |
| 1 CSR 15-2.420 | Administrative Hearing Commission | .27 MoReg 1096R | | | |
| 1 CSR 15-2.430 | Administrative Hearing Commission | .27 MoReg 1096R | | | |
| 1 CSR 15-2.450 | Administrative Hearing Commission | .27 MoReg 1097R | | | |
| 1 CSR 15-2.470 | Administrative Hearing Commission | .27 MoReg 1097R | | | |
| 1 CSR 15-2.480 | Administrative Hearing Commission | .27 MoReg 1097R | | | |
| 1 CSR 15-2.490 | Administrative Hearing Commission | .27 MoReg 1097R | | | |
| 1 CSR 15-2.510 | Administrative Hearing Commission | .27 MoReg 1098R | | | |
| 1 CSR 15-2.530 | Administrative Hearing Commission | .27 MoReg 1098R | | | |
| 1 CSR 15-2.560 | Administrative Hearing Commission | .27 MoReg 1098R | | | |
| 1 CSR 15-2.580 | Administrative Hearing Commission | .27 MoReg 1099R | | | |
| 1 CSR 15-3.200 | Administrative Hearing Commission | .27 MoReg 1099 | | | |
| 1 CSR 15-3.210 | Administrative Hearing Commission | .27 MoReg 1099 | | | |
| 1 CSR 15-3.250 | Administrative Hearing Commission | .27 MoReg 1100 | | | |
| 1 CSR 15-3.320 | Administrative Hearing Commission | .27 MoReg 1100 | | | |
| 1 CSR 15-3.350 | Administrative Hearing Commission | .27 MoReg 1101 | | | |
| 1 CSR 15-3.380 | Administrative Hearing Commission | .27 MoReg 1101 | | | |
| 1 CSR 15-3.390 | Administrative Hearing Commission | .27 MoReg 1102 | | | |
| 1 CSR 15-3.410 | Administrative Hearing Commission | .27 MoReg 1102 | | | |
| 1 CSR 15-3.420 | Administrative Hearing Commission | .27 MoReg 1103 | | | |
| 1 CSR 15-3.425 | Administrative Hearing Commission | .27 MoReg 1103 | | | |
| 1 CSR 15-3.430 | Administrative Hearing Commission | .27 MoReg 1104R | | | |
| 1 CSR 15-3.440 | Administrative Hearing Commission | .27 MoReg 1104 | | | |
| 1 CSR 15-3.450 | Administrative Hearing Commission | .27 MoReg 1105R | | | |
| 1 CSR 15-3.470 | Administrative Hearing Commission | .27 MoReg 1105 | | | |
| 1 CSR 15-3.490 | Administrative Hearing Commission | .27 MoReg 1106 | | | |
| 1 CSR 15-3.580 | Administrative Hearing Commission | .27 MoReg 1106 | | | |
| 1 CSR 20-5.020 | Personnel Advisory Board and Division of Personnel | .27 MoReg 847 | | | |
| 1 CSR 40-1.090 | Purchasing and Materials Management | .27 MoReg 1107 | | | |
| DEPARTMENT OF AGRICULTURE | | | | | |
| 2 CSR 10-5.010 | Market Development | .26 MoReg 1305R .26 MoReg 1305 | | | |
| 2 CSR 30-2.010 | Animal Health | .26 MoReg 2257 | .27 MoReg 681 | .27 MoReg 1406 | |
| 2 CSR 30-2.011 | Animal Health | .27 MoReg 848 | | | |
| 2 CSR 30-2.012 | Animal Health | .27 MoReg 1439 | | | |
| 2 CSR 30-2.020 | Animal Health | | .27 MoReg 967 | | |
| 2 CSR 30-2.040 | Animal Health | .26 MoReg 2257 | .27 MoReg 685 | .27 MoReg 1407 | |
| 2 CSR 30-6.020 | Animal Health | .26 MoReg 2258 | .27 MoReg 688 | .27 MoReg 1409 | |
| 2 CSR 70-13.045 | Plant Industries | .27 MoReg 767 | .27 MoReg 774 | | |
| 2 CSR 70-13.050 | Plant Industries | .27 MoReg 767 | .27 MoReg 776 | | |
| 2 CSR 70-40.015 | Plant Industries | | .27 MoReg 967 | | |
| 2 CSR 70-40.025 | Plant Industries | | .27 MoReg 969 | | |
| 2 CSR 70-40.040 | Plant Industries | | .27 MoReg 970 | | |
| 2 CSR 70-40.045 | Plant Industries | | .27 MoReg 974 | | |
| 2 CSR 90-10.040 | Weights and Measures | .27 MoReg 1161 | | | |
| 2 CSR 90-20.040 | Weights and Measures | .27 MoReg 1161 | | | |
| 2 CSR 90-30.040 | Weights and Measures | .27 MoReg 1161 | | | |
| 2 CSR 90-30.050 | Weights and Measures | .27 MoReg 1161 | | | |
| 2 CSR 110-1.010 | Office of the Director | .27 MoReg 1439 | .27 MoReg 1443 | | |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|-----------------------------------|-------------------------|-----------------|----------------|-----------------|-------------|
| DEPARTMENT OF CONSERVATION | | | | | |
| 3 CSR 10-4.130 | Conservation Commission | | .27 MoReg 971 | .27 MoReg 1478F | |
| 3 CSR 10-4.141 | Conservation Commission | | .27 MoReg 972 | .27 MoReg 1478F | |
| 3 CSR 10-5.205 | Conservation Commission | | .27 MoReg 972 | .27 MoReg 1478F | |
| 3 CSR 10-5.215 | Conservation Commission | | .27 MoReg 973 | .27 MoReg 1478F | |
| 3 CSR 10-5.225 | Conservation Commission | | .27 MoReg 973 | .27 MoReg 1478F | |
| 3 CSR 10-5.340 | Conservation Commission | | .27 MoReg 1182 | | |
| 3 CSR 10-5.345 | Conservation Commission | | .27 MoReg 1184 | | |
| 3 CSR 10-5.350 | Conservation Commission | | .27 MoReg 973R | .27 MoReg 1479R | |
| 3 CSR 10-5.351 | Conservation Commission | | .27 MoReg 1186 | | |
| 3 CSR 10-5.352 | Conservation Commission | | .27 MoReg 974 | .27 MoReg 1479 | |
| 3 CSR 10-5.353 | Conservation Commission | | .27 MoReg 974 | .27 MoReg 1479 | |
| 3 CSR 10-5.359 | Conservation Commission | | .27 MoReg 1188 | | |
| 3 CSR 10-5.360 | Conservation Commission | | .27 MoReg 1190 | | |
| 3 CSR 10-5.365 | Conservation Commission | | .27 MoReg 1192 | | |
| 3 CSR 10-5.420 | Conservation Commission | | .27 MoReg 1194 | | |
| 3 CSR 10-5.425 | Conservation Commission | | .27 MoReg 974 | .27 MoReg 1479 | |
| 3 CSR 10-5.440 | Conservation Commission | | .27 MoReg 1196 | | |
| 3 CSR 10-5.445 | Conservation Commission | | .27 MoReg 1198 | | |
| 3 CSR 10-5.460 | Conservation Commission | | .27 MoReg 974 | .27 MoReg 1479F | |
| 3 CSR 10-5.465 | Conservation Commission | | .27 MoReg 975 | .27 MoReg 1479F | |
| 3 CSR 10-5.550 | Conservation Commission | | .27 MoReg 975R | .27 MoReg 1480R | |
| 3 CSR 10-5.551 | Conservation Commission | | .27 MoReg 975 | .27 MoReg 1480 | |
| 3 CSR 10-5.552 | Conservation Commission | | .27 MoReg 976 | .27 MoReg 1480 | |
| 3 CSR 10-5.553 | Conservation Commission | | .27 MoReg 976 | .27 MoReg 1480 | |
| 3 CSR 10-5.559 | Conservation Commission | | .27 MoReg 976 | .27 MoReg 1480 | |
| 3 CSR 10-5.575 | Conservation Commission | | .27 MoReg 976R | .27 MoReg 1480R | |
| 3 CSR 10-5.576 | Conservation Commission | | .27 MoReg 977 | .27 MoReg 1481 | |
| 3 CSR 10-5.577 | Conservation Commission | | .27 MoReg 977 | .27 MoReg 1481 | |
| 3 CSR 10-5.578 | Conservation Commission | | .27 MoReg 977 | .27 MoReg 1481 | |
| 3 CSR 10-6.405 | Conservation Commission | | .27 MoReg 978 | .27 MoReg 1481F | |
| 3 CSR 10-6.410 | Conservation Commission | | .27 MoReg 978 | .27 MoReg 1481F | |
| 3 CSR 10-6.415 | Conservation Commission | | .27 MoReg 978 | .27 MoReg 1481F | |
| 3 CSR 10-6.505 | Conservation Commission | | .27 MoReg 1444 | | |
| 3 CSR 10-6.525 | Conservation Commission | | .27 MoReg 1319 | | |
| 3 CSR 10-6.540 | Conservation Commission | | .27 MoReg 979 | .27 MoReg 1482F | |
| 3 CSR 10-6.550 | Conservation Commission | | .27 MoReg 979 | .27 MoReg 1482F | |
| 3 CSR 10-6.605 | Conservation Commission | | .27 MoReg 979 | .27 MoReg 1482F | |
| 3 CSR 10-7.410 | Conservation Commission | | .27 MoReg 980 | .27 MoReg 1482F | |
| 3 CSR 10-7.440 | Conservation Commission | | N.A. | .27 MoReg 1410 | |
| 3 CSR 10-7.435 | Conservation Commission | | .27 MoReg 1319 | | |
| 3 CSR 10-7.455 | Conservation Commission | | .27 MoReg 980 | .27 MoReg 1482F | |
| 3 CSR 10-8.510 | Conservation Commission | | .27 MoReg 981 | .27 MoReg 1482F | |
| 3 CSR 10-8.515 | Conservation Commission | | .27 MoReg 981 | .27 MoReg 1483F | |
| 3 CSR 10-9.106 | Conservation Commission | | .27 MoReg 982 | .27 MoReg 1483F | |
| 3 CSR 10-9.110 | Conservation Commission | | .27 MoReg 982 | .27 MoReg 1483F | |
| 3 CSR 10-9.220 | Conservation Commission | | .27 MoReg 983 | .27 MoReg 1483F | |
| 3 CSR 10-9.351 | Conservation Commission | | .27 MoReg 986 | .27 MoReg 1483F | |
| 3 CSR 10-9.353 | Conservation Commission | | .27 MoReg 986 | .27 MoReg 1483F | |
| | | .27 MoReg 1441 | .27 MoReg 1445 | | |
| | | .27 MoReg 1441T | | | |
| 3 CSR 10-9.359 | Conservation Commission | | .27 MoReg 986 | .27 MoReg 1484F | |
| 3 CSR 10-9.425 | Conservation Commission | | .27 MoReg 987 | .27 MoReg 1484F | |
| 3 CSR 10-9.560 | Conservation Commission | | .27 MoReg 987 | .27 MoReg 1484F | |
| 3 CSR 10-9.565 | Conservation Commission | | .27 MoReg 1441 | .27 MoReg 1448 | |
| | | .27 MoReg 1441T | | | |
| 3 CSR 10-9.570 | Conservation Commission | | .27 MoReg 988 | .27 MoReg 1484F | |
| 3 CSR 10-9.575 | Conservation Commission | | .27 MoReg 988 | .27 MoReg 1484F | |
| 3 CSR 10-9.625 | Conservation Commission | | .27 MoReg 988 | .27 MoReg 1484 | |
| 3 CSR 10-9.630 | Conservation Commission | | .27 MoReg 989R | .27 MoReg 1485F | |
| 3 CSR 10-9.645 | Conservation Commission | | .27 MoReg 989 | .27 MoReg 1485F | |
| 3 CSR 10-10.743 | Conservation Commission | | .27 MoReg 990 | .27 MoReg 1485F | |
| 3 CSR 10-11.110 | Conservation Commission | | .27 MoReg 990 | .27 MoReg 1485 | |
| 3 CSR 10-11.115 | Conservation Commission | | .27 MoReg 990 | .27 MoReg 1485 | |
| 3 CSR 10-11.125 | Conservation Commission | | .27 MoReg 991 | .27 MoReg 1485 | |
| 3 CSR 10-11.140 | Conservation Commission | | .27 MoReg 991 | .27 MoReg 1486 | |
| 3 CSR 10-11.145 | Conservation Commission | | .27 MoReg 991 | .27 MoReg 1486F | |
| 3 CSR 10-11.150 | Conservation Commission | | .27 MoReg 1200 | | |
| 3 CSR 10-11.155 | Conservation Commission | | .27 MoReg 992 | .27 MoReg 1486F | |
| 3 CSR 10-11.160 | Conservation Commission | | .27 MoReg 992 | .27 MoReg 1486F | |
| 3 CSR 10-11.165 | Conservation Commission | | .27 MoReg 993 | .27 MoReg 1486F | |
| 3 CSR 10-11.180 | Conservation Commission | | .27 MoReg 993 | .27 MoReg 1486 | |
| | | .27 MoReg 1451 | | | |
| 3 CSR 10-11.182 | Conservation Commission | | .27 MoReg 994 | .27 MoReg 1487 | |
| | | .27 MoReg 1200 | | | |
| | | .27 MoReg 1452 | | | |
| 3 CSR 10-11.183 | Conservation Commission | | .27 MoReg 995 | .27 MoReg 1487 | |
| 3 CSR 10-11.186 | Conservation Commission | | .27 MoReg 995 | .27 MoReg 1487F | |
| 3 CSR 10-11.205 | Conservation Commission | | .27 MoReg 996 | .27 MoReg 1487F | |
| 3 CSR 10-11.210 | Conservation Commission | | .27 MoReg 996 | .27 MoReg 1487F | |
| 3 CSR 10-11.215 | Conservation Commission | | .27 MoReg 997 | .27 MoReg 1487F | |
| 3 CSR 10-12.110 | Conservation Commission | | .27 MoReg 998 | .27 MoReg 1488F | |
| 3 CSR 10-12.125 | Conservation Commission | | .27 MoReg 998 | .27 MoReg 1488 | |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|---|---|-----------|----------------------|-----------------|----------------|
| 3 CSR 10-12.135 | Conservation Commission..... | | .27 MoReg 998..... | .27 MoReg 1488 | |
| 3 CSR 10-12.140 | Conservation Commission..... | | .27 MoReg 1453 | | |
| 3 CSR 10-12.145 | Conservation Commission..... | | .27 MoReg 998..... | .27 MoReg 1488 | |
| 3 CSR 10-12.145 | Conservation Commission..... | | .27 MoReg 1453 | | |
| 3 CSR 10-20.805 | Conservation Commission..... | | .27 MoReg 999..... | .27 MoReg 1488 | |
| 3 CSR 10-20.805 | Conservation Commission..... | | .27 MoReg 1454 | | |
| | | | .27 MoReg 1000 | .27 MoReg 1488 | |
| DEPARTMENT OF ECONOMIC DEVELOPMENT | | | | | |
| 4 CSR 30-6.015 | Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects | | .27 MoReg 1251 | | |
| 4 CSR 30-6.020 | Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects | | .27 MoReg 1255 | | |
| 4 CSR 100 | Division of Credit Unions..... | | | .27 MoReg 1062 | |
|  | ..... |  |  | .27 MoReg 1124 | |
|  | ..... |  |  | .27 MoReg 1222 | |
|  | ..... |  |  | .27 MoReg 1288 | |
|  | ..... |  |  | .27 MoReg 1512 | |
| | | | | | This Issue |
| 4 CSR 110-2.110 | Missouri Dental Board..... | | .27 MoReg 1255R | | |
| 4 CSR 110-2.240 | ..... |  | .27 MoReg 1255 | | |
| 4 CSR 140-11.010 | Missouri Dental Board..... | | .27 MoReg 1257 | | |
| 4 CSR 140-11.020 | Division of Finance..... | | .27 MoReg 459R..... | .27 MoReg 1489W | |
| 4 CSR 140-11.030 | Division of Finance..... | | .27 MoReg 459R..... | .27 MoReg 1489W | |
| 4 CSR 140-11.040 | Division of Finance..... | | .27 MoReg 459..... | .27 MoReg 1489W | |
| 4 CSR 150-2.030 | Division of Finance..... | | .27 MoReg 461..... | .27 MoReg 1489W | |
| 4 CSR 150-2.040 | State Board of Registration for the Healing Arts | | .27 MoReg 860 | | |
| 4 CSR 150-2.060 | State Board of Registration for the Healing Arts | | .27 MoReg 860 | | |
| 4 CSR 150-2.080 | State Board of Registration for the Healing Arts | | .27 MoReg 776..... | This Issue | |
| 4 CSR 150-2.155 | State Board of Registration for the Healing Arts | | .27 MoReg 861 | | |
| 4 CSR 150-3.010 | State Board of Registration for the Healing Arts | | .27 MoReg 1257 | | |
| 4 CSR 150-3.020 | State Board of Registration for the Healing Arts | | .27 MoReg 1258 | | |
| 4 CSR 150-3.080 | State Board of Registration for the Healing Arts | | .27 MoReg 1258 | | |
| 4 CSR 150-3.210 | State Board of Registration for the Healing Arts | | This Issue | | |
| 4 CSR 150-4.010 | State Board of Registration for the Healing Arts | | .27 MoReg 861 | | |
| 4 CSR 150-4.060 | State Board of Registration for the Healing Arts | | .27 MoReg 861 | | |
| 4 CSR 150-4.220 | State Board of Registration for the Healing Arts | | This Issue | | |
| 4 CSR 150-6.050 | State Board of Registration for the Healing Arts | | .27 MoReg 862 | | |
| 4 CSR 150-6.080 | State Board of Registration for the Healing Arts | | This Issue | | |
| 4 CSR 150-7.200 | State Board of Registration for the Healing Arts | | .27 MoReg 862 | | |
| 4 CSR 150-7.320 | State Board of Registration for the Healing Arts | | This Issue | | |
| 4 CSR 150-8.060 | State Board of Registration for the Healing Arts | | .27 MoReg 862 | | |
| 4 CSR 150-8.150 | State Board of Registration for the Healing Arts | | This Issue | | |
| 4 CSR 165-2.050 | Board of Examiners for Hearing Instrument Specialists | | .27 MoReg 1258 | | |
| 4 CSR 200-4.020 | State Board of Nursing..... | | .27 MoReg 1258 | | |
| 4 CSR 200-4.030 | State Board of Nursing..... | | .27 MoReg 1261 | | |
| 4 CSR 205-1.050 | Missouri Board of Occupational Therapy..... | | .27 MoReg 1262 | | |
| 4 CSR 210-2.010 | State Board of Optometry | | .27 MoReg 1265 | | |
| 4 CSR 210-2.011 | State Board of Optometry | | .27 MoReg 1265 | | |
| 4 CSR 210-2.020 | State Board of Optometry | | .27 MoReg 1265 | | |
| 4 CSR 210-2.040 | State Board of Optometry | | .27 MoReg 1266 | | |
| 4 CSR 210-2.070 | State Board of Optometry | | .27 MoReg 1266 | | |
| 4 CSR 210-2.081 | State Board of Optometry | | .27 MoReg 1266 | | |
| 4 CSR 220-2.010 | State Board of Pharmacy | | .27 MoReg 1267 | | |
| 4 CSR 220-2.025 | State Board of Pharmacy | | .27 MoReg 1270 | | |
| 4 CSR 220-2.030 | State Board of Pharmacy | | .27 MoReg 1270 | | |
| 4 CSR 220-2.050 | State Board of Pharmacy | | .27 MoReg 1271 | | |
| 4 CSR 220-2.085 | State Board of Pharmacy | | | | .26 MoReg 2433 |
| 4 CSR 220-2.100 | State Board of Pharmacy | | .27 MoReg 1271 | | |
| 4 CSR 220-3.040 | State Board of Pharmacy | | .27 MoReg 777 | | |
| 4 CSR 240-2.060 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-2.075 | Public Service Commission..... | | .27 MoReg 691 | | |
| 4 CSR 240-2.080 | Public Service Commission..... | | .27 MoReg 1107 | | |
| 4 CSR 240-2.115 | Public Service Commission..... | | .27 MoReg 691 | | |
| 4 CSR 240-2.117 | Public Service Commission..... | | .27 MoReg 692 | | |
| 4 CSR 240-2.200 | Public Service Commission..... | | This IssueR | | |
| 4 CSR 240-3.010 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.015 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.020 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.025 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.030 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.100 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.105 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.110 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.115 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.120 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.125 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.130 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.135 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.140 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.145 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.150 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.155 | Public Service Commission..... | | This Issue | | |
| 4 CSR 240-3.160 | Public Service Commission..... | | This Issue | | |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|------------------|---|----------------|----------------|-------|----------------|
| 4 CSR 250-4.070 | Missouri Real Estate Commission | | .27 MoReg 1272 | | |
| 4 CSR 250-4.075 | Missouri Real Estate Commission | | .27 MoReg 1273 | | |
| 4 CSR 250-4.080 | Missouri Real Estate Commission | | .27 MoReg 1273 | | |
| 4 CSR 250-7.020 | Missouri Real Estate Commission | | .27 MoReg 1273 | | |
| 4 CSR 250-8.155 | Missouri Real Estate Commission | | .27 MoReg 1273 | | |
| 4 CSR 250-8.220 | Missouri Real Estate Commission | | .27 MoReg 1274 | | |
| 4 CSR 250-9.010 | Missouri Real Estate Commission | | .27 MoReg 1274 | | |
| 4 CSR 250-10.010 | Missouri Real Estate Commission | | .27 MoReg 1274 | | |
| 4 CSR 250-10.020 | Missouri Real Estate Commission | | .27 MoReg 1274 | | |
| 4 CSR 250-10.030 | Missouri Real Estate Commission | | .27 MoReg 1275 | | |
| 4 CSR 250-10.040 | Missouri Real Estate Commission | | .27 MoReg 1275 | | |
| 4 CSR 250-10.070 | Missouri Real Estate Commission | | .27 MoReg 1275 | | |
| 4 CSR 255-2.010 | Missouri Board for Respiratory Care | | .27 MoReg 1275 | | |
| 4 CSR 255-2.050 | Missouri Board for Respiratory Care | | .27 MoReg 780 | | |
| 4 CSR 255-2.060 | Missouri Board for Respiratory Care | | .27 MoReg 780 | | |
| 4 CSR 255-4.010 | Missouri Board for Respiratory Care | | .27 MoReg 1276 | | |
| 4 CSR 265-8.060 | Motor Carrier and Railroad Safety | | | | .26 MoReg 2181 |
| 4 CSR 267-1.010 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-1.020 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-1.030 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-2.010 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-2.020 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-2.030 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-3.010 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-4.010 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-5.010 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-5.020 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-5.030 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-5.040 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-6.010 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-6.020 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 267-6.030 | Office of Tattooing, Body Piercing and Branding | This Issue | | | |
| 4 CSR 270-2.021 | Missouri Veterinary Medical Board | .27 MoReg 1276 | | | |
| 4 CSR 270-6.011 | Missouri Veterinary Medical Board | .27 MoReg 1277 | | | |

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

| | | | |
|------------------|---|---------------------|----------------|
| 5 CSR 50-340.030 | Division of School Improvement | .27 MoReg 693..... | This Issue |
| 5 CSR 50-340.110 | Division of School Improvement | .27 MoReg 693 | |
| 5 CSR 60-120.010 | Vocational and Adult Education..... | | .This Issue |
| 5 CSR 80-800.200 | Teacher Quality and Urban Education | This Issue | |
| 5 CSR 80-800.220 | Teacher Quality and Urban Education | This Issue | |
| 5 CSR 80-800.230 | Teacher Quality and Urban Education | This Issue | |
| 5 CSR 80-800.260 | Teacher Quality and Urban Education | This Issue | |
| 5 CSR 80-800.270 | Teacher Quality and Urban Education | This Issue | |
| 5 CSR 80-800.280 | Teacher Quality and Urban Education | This Issue | |
| 5 CSR 80-800.300 | Teacher Quality and Urban Education | This Issue | |
| 5 CSR 80-800.350 | Teacher Quality and Urban Education | This Issue | |
| 5 CSR 80-800.360 | Teacher Quality and Urban Education | This Issue | |
| 5 CSR 80-800.370 | Teacher Quality and Urban Education | This Issue | |
| 5 CSR 80-800.380 | Teacher Quality and Urban Education | .27 MoReg 559..... | .27 MoReg 1410 |
| 5 CSR 80-850.010 | Teacher Quality and Urban Education | .27 MoReg 694R..... | This IssueR |
| | | .27 MoReg 695..... | This Issue |
| 5 CSR 90-4.300 | Vocational Rehabilitation | | This Issue |
| 5 CSR 90-4.430 | Vocational Rehabilitation | | This Issue |
| 5 CSR 90-5.420 | Vocational Rehabilitation | | This Issue |
| 5 CSR 90-5.430 | Vocational Rehabilitation | | This Issue |
| 5 CSR 90-5.450 | Vocational Rehabilitation | | This Issue |

DEPARTMENT OF TRANSPORTATION

| | | |
|-----------------|---|----------------|
| 7 CSR 10-23.010 | Missouri Highways and Transportation Commission | .27 MoReg 1002 |
| 7 CSR 10-23.020 | Missouri Highways and Transportation Commission | .27 MoReg 1002 |
| 7 CSR 10-23.030 | Missouri Highways and Transportation Commission | .27 MoReg 1008 |

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

| | | |
|----------------|---------------------------------------|-----------------------|
| 8 CSR 10-3.010 | Division of Employment Security | .27 MoReg 1454 |
| 8 CSR 10-4.180 | Division of Employment Security | .27 MoReg 1162 |
| 8 CSR 10-5.010 | Division of Employment Security | .27 MoReg 1200 |
| 8 CSR 10-5.015 | Division of Employment Security | .27 MoReg 780..... |
| 8 CSR 10-5.030 | Division of Employment Security | .27 MoReg 1489 |
| 8 CSR 10-5.040 | Division of Employment Security | .27 MoReg 782..... |
| 8 CSR 10-5.050 | Division of Employment Security | .27 MoReg 1490 |
| | | .27 MoReg 785..... |
| | | .27 MoReg 785R..... |
| | | .27 MoReg 1490R |
| | | .27 MoReg 786..... |
| | | .27 MoReg 1490 |
| | | .27 MoReg 786..... |
| | | .27 MoReg 1490 |

DEPARTMENT OF MENTAL HEALTH

| | | | |
|----------------|--|---------------------|--------------------|
| 9 CSR 10-1.010 | Director, Department of Mental Health..... | .27 MoReg 863..... | This Issue |
| 9 CSR 10-5.200 | Director, Department of Mental Health..... | .27 MoReg 615 | .27 MoReg 618..... |
| 9 CSR 10-7.020 | Director, Department of Mental Health..... | | .27 MoReg 1455 |
| 9 CSR 10-7.060 | Director, Department of Mental Health..... | | .27 MoReg 787 |
| 9 CSR 10-7.070 | Director, Department of Mental Health..... | | .27 MoReg 788 |
| 9 CSR 10-7.140 | Director, Department of Mental Health..... | | .27 MoReg 788 |
| 9 CSR 30-3.032 | Certification Standards | .27 MoReg 620..... | .27 MoReg 1283 |
| 9 CSR 30-3.100 | Certification Standards | .27 MoReg 1455 | |
| 9 CSR 30-3.120 | Certification Standards | .27 MoReg 790 | |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|----------------|---|------------------------------------|----------|-------|-------------|
| 9 CSR 30-3.130 | Certification Standards | ..27 MoReg 1457 | | | |
| 9 CSR 30-3.132 | Certification Standards | ..27 MoReg 620.....27 MoReg 1283 | | | |
| 9 CSR 30-3.140 | Certification Standards | ..27 MoReg 790 | | | |
| 9 CSR 30-3.192 | Certification Standards | ..27 MoReg 790 | | | |
| | |27 MoReg 1457 | | | |
| 9 CSR 30-3.206 | Certification Standards | ..27 MoReg 621.....27 MoReg 1283 | | | |
| 9 CSR 45-3.050 | Division of Mental Retardation and Developmental Disabilities | ..27 MoReg 622R.....27 MoReg 1283R | | | |
| 9 CSR 30-4.010 | Certification Standards | ..27 MoReg 1457 | | | |
| 9 CSR 30-4.030 | Certification Standards | ..27 MoReg 1458 | | | |
| 9 CSR 30-4.034 | Certification Standards | ..27 MoReg 1459 | | | |
| 9 CSR 30-4.035 | Certification Standards | ..27 MoReg 1459 | | | |
| 9 CSR 30-4.039 | Certification Standards | ..27 MoReg 1460 | | | |
| 9 CSR 30-4.041 | Certification Standards | ..27 MoReg 1460 | | | |
| 9 CSR 30-4.042 | Certification Standards | ..27 MoReg 1461 | | | |
| 9 CSR 30-4.043 | Certification Standards | ..27 MoReg 1462 | | | |

DEPARTMENT OF NATURAL RESOURCES

| | | |
|------------------|---|-----------------------------------|
| 10 CSR 10 | Air Conservation Commission |27 MoReg 652 |
| 10 CSR 10-2.080 | Air Conservation Commission..... | ..27 MoReg 564 |
| 10 CSR 10-2.260 | Air Conservation Commission..... | ..27 MoReg 699 |
| 10 CSR 10-2.280 | Air Conservation Commission..... | ..27 MoReg 1107R |
| 10 CSR 10-3.060 | Air Conservation Commission..... | ..27 MoReg 699 |
| 10 CSR 10-4.040 | Air Conservation Commission..... | ..27 MoReg 700 |
| 10 CSR 10-5.170 | Air Conservation Commission..... | ..27 MoReg 1462 |
| 10 CSR 10-5.180 | Air Conservation Commission..... | ..27 MoReg 564 |
| 10 CSR 10-5.320 | Air Conservation Commission..... | ..27 MoReg 1108R |
| 10 CSR 10-5.380 | Air Conservation Commission..... | ..27 MoReg 1010 |
| 10 CSR 10-6.060 | Air Conservation Commission..... | This Issue |
| 10 CSR 10-6.065 | Air Conservation Commission..... | ..27 MoReg 1462 |
| 10 CSR 10-6.070 | Air Conservation Commission | ..27 MoReg 402.....27 MoReg 1411 |
| 10 CSR 10-6.075 | Air Conservation Commission..... | ..27 MoReg 403.....27 MoReg 1411 |
| 10 CSR 10-6.080 | Air Conservation Commission | ..27 MoReg 405.....27 MoReg 1411 |
| 10 CSR 10-6.120 | Air Conservation Commission..... | This Issue |
| 10 CSR 10-6.130 | Air Conservation Commission..... | ..27 MoReg 622 |
| 10 CSR 10-6.220 | Air Conservation Commission..... | ..27 MoReg 564 |
| 10 CSR 10-6.320 | Air Conservation Commission..... | ..27 MoReg 1108 |
| 10 CSR 10-6.410 | Air Conservation Commission..... | This Issue |
| 10 CSR 20-4.023 | Clean Water Commission..... | ..26 MoReg 860 |
| 10 CSR 20-4.043 | Clean Water Commission..... | ..26 MoReg 861 |
| 10 CSR 20-7.040 | Clean Water Commission..... | ..27 MoReg 235.....27 MoReg 1284W |
| 10 CSR 25-12.010 | Hazardous Waste Management Commission | ..27 MoReg 702 |
| 10 CSR 40-10.020 | Land Reclamation Commission | ..27 MoReg 626.....This Issue |
| 10 CSR 40-10.050 | Land Reclamation Commission | ..26 MoReg 1798 |
| 10 CSR 60-4.050 | Public Drinking Water Program..... | ..27 MoReg 325 |
| 10 CSR 60-4.060 | Public Drinking Water Program..... | ..27 MoReg 329R |
| | |27 MoReg 329 |

DEPARTMENT OF PUBLIC SAFETY

| | | |
|------------------|--|------------------------------------|
| 11 CSR 10-5.010 | Adjutant General | ..27 MoReg 1249 .....27 MoReg 1277 |
| 11 CSR 40-6.060 | Division of Fire Safety | ..26 MoReg 857 |
| 11 CSR 45-3.010 | Missouri Gaming Commission | ..27 MoReg 865 |
| 11 CSR 45-4.060 | Missouri Gaming Commission | ..27 MoReg 1471 |
| 11 CSR 45-5.070 | Missouri Gaming Commission | ..27 MoReg 565.....27 MoReg 1284 |
| 11 CSR 45-5.075 | Missouri Gaming Commission | ..27 MoReg 568.....27 MoReg 1284 |
| 11 CSR 45-5.183 | Missouri Gaming Commission | ..27 MoReg 1110 |
| 11 CSR 45-7.040 | Missouri Gaming Commission |26 MoReg 2184 |
| 11 CSR 45-9.030 | Missouri Gaming Commission | ..27 MoReg 568.....27 MoReg 1285 |
| 11 CSR 45-30.025 | Missouri Gaming Commission | ..27 MoReg 571.....27 MoReg 1287 |
| 11 CSR 45-30.570 | Missouri Gaming Commission | ..27 MoReg 1110 |
| 11 CSR 75-1.010 | Peace Officer Standards and Training | ..27 MoReg 865R.....27 MoReg 1491R |
| 11 CSR 75-2.010 | Peace Officer Standards and Training | ..27 MoReg 865.....27 MoReg 1491 |
| | | ..27 MoReg 866R.....27 MoReg 1491R |
| 11 CSR 75-3.010 | Peace Officer Standards and Training | ..27 MoReg 866.....27 MoReg 1491 |
| 11 CSR 75-3.020 | Peace Officer Standards and Training | ..27 MoReg 867R.....27 MoReg 1491R |
| 11 CSR 75-3.030 | Peace Officer Standards and Training | ..27 MoReg 867R.....27 MoReg 1492R |
| 11 CSR 75-3.040 | Peace Officer Standards and Training | ..27 MoReg 868R.....27 MoReg 1492R |
| 11 CSR 75-3.050 | Peace Officer Standards and Training | ..27 MoReg 868R.....27 MoReg 1492R |
| 11 CSR 75-3.060 | Peace Officer Standards and Training | ..27 MoReg 868R.....27 MoReg 1492R |
| 11 CSR 75-3.070 | Peace Officer Standards and Training | ..27 MoReg 868R.....27 MoReg 1492R |
| 11 CSR 75-3.080 | Peace Officer Standards and Training | ..27 MoReg 869R.....27 MoReg 1492R |
| 11 CSR 75-4.010 | Peace Officer Standards and Training | ..27 MoReg 869R.....27 MoReg 1493R |
| 11 CSR 75-4.020 | Peace Officer Standards and Training | ..27 MoReg 869R.....27 MoReg 1493R |
| 11 CSR 75-4.030 | Peace Officer Standards and Training | ..27 MoReg 870R.....27 MoReg 1493R |
| 11 CSR 75-4.040 | Peace Officer Standards and Training | ..27 MoReg 870R.....27 MoReg 1493R |
| 11 CSR 75-4.050 | Peace Officer Standards and Training | ..27 MoReg 870R.....27 MoReg 1493R |
| 11 CSR 75-5.010 | Peace Officer Standards and Training | ..27 MoReg 870R.....27 MoReg 1493R |
| 11 CSR 75-5.020 | Peace Officer Standards and Training | ..27 MoReg 871R.....27 MoReg 1493R |
| 11 CSR 75-5.030 | Peace Officer Standards and Training | ..27 MoReg 871R.....27 MoReg 1494R |
| 11 CSR 75-5.040 | Peace Officer Standards and Training | ..27 MoReg 871R.....27 MoReg 1494R |
| 11 CSR 75-6.010 | Peace Officer Standards and Training | ..27 MoReg 871R.....27 MoReg 1494R |
| 11 CSR 75-6.020 | Peace Officer Standards and Training | ..27 MoReg 872R.....27 MoReg 1494R |

DEPARTMENT OF REVENUE

| | | |
|-----------------|---|---|
| 12 CSR | DEPARTMENT OF REVENUE Construction Transient Employers | 27 MoReg 416 27 MoReg 925 27 MoReg 1514 |
| 12 CSR 10-2.005 | Director of Revenue | 27 MoReg 791R.....27 MoReg 1505R |
| 12 CSR 10-2.015 | Director of Revenue | 27 MoReg 707.....27 MoReg 1505 |
| 12 CSR 10-2.040 | Director of Revenue | 27 MoReg 792R.....27 MoReg 1505R |
| 12 CSR 10-2.065 | Director of Revenue | 27 MoReg 792R.....27 MoReg 1505R |
| 12 CSR 10-2.145 | Director of Revenue | 27 MoReg 792R.....27 MoReg 1505R |
| 12 CSR 10-2.175 | Director of Revenue | 27 MoReg 792R.....27 MoReg 1505R |
| 12 CSR 10-3.008 | Director of Revenue | 27 MoReg 707R.....27 MoReg 1506R |
| 12 CSR 10-3.031 | Director of Revenue | 27 MoReg 707R.....27 MoReg 1506R |
| 12 CSR 10-3.034 | Director of Revenue | 27 MoReg 708R.....27 MoReg 1506R |
| 12 CSR 10-3.042 | Director of Revenue | 27 MoReg 708R.....27 MoReg 1506R |
| 12 CSR 10-3.044 | Director of Revenue | 27 MoReg 708R.....27 MoReg 1506R |
| 12 CSR 10-3.116 | Director of Revenue | 27 MoReg 708R.....27 MoReg 1506R |
| 12 CSR 10-3.144 | Director of Revenue | 27 MoReg 709R.....27 MoReg 1506R |
| 12 CSR 10-3.158 | Director of Revenue | 27 MoReg 709R.....27 MoReg 1507R |
| 12 CSR 10-3.179 | Director of Revenue | 27 MoReg 709R.....27 MoReg 1507R |
| 12 CSR 10-3.233 | Director of Revenue | 27 MoReg 709R.....27 MoReg 1507R |
| 12 CSR 10-3.240 | Director of Revenue | 27 MoReg 793R.....27 MoReg 1507R |
| 12 CSR 10-3.245 | Director of Revenue | 27 MoReg 793R.....27 MoReg 1507R |
| 12 CSR 10-3.247 | Director of Revenue | 27 MoReg 793R.....27 MoReg 1507R |
| 12 CSR 10-3.250 | Director of Revenue | 27 MoReg 793R.....27 MoReg 1507R |
| 12 CSR 10-3.254 | Director of Revenue | 27 MoReg 794R.....27 MoReg 1508R |
| 12 CSR 10-3.256 | Director of Revenue | 27 MoReg 794R.....27 MoReg 1508R |
| 12 CSR 10-3.258 | Director of Revenue | 27 MoReg 794R.....27 MoReg 1508R |
| 12 CSR 10-3.292 | Director of Revenue | 27 MoReg 794R.....27 MoReg 1508R |
| 12 CSR 10-3.294 | Director of Revenue | 27 MoReg 795R.....27 MoReg 1508R |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|---|--|----------------------|----------------------|-----------------|-----------------|
| 12 CSR 10-3.300 | Director of Revenue | | .27 MoReg 795R..... | .27 MoReg 1508R | |
| 12 CSR 10-8.040 | Director of Revenue | | .27 MoReg 710R | .27 MoReg 1508R | |
| 12 CSR 10-8.050 | Director of Revenue | | .27 MoReg 710R | .27 MoReg 1509R | |
| 12 CSR 10-8.060 | Director of Revenue | | .27 MoReg 710R | .27 MoReg 1509R | |
| 12 CSR 10-8.070 | Director of Revenue | | .27 MoReg 710R | .27 MoReg 1509R | |
| 12 CSR 10-8.080 | Director of Revenue | | .27 MoReg 711R | .27 MoReg 1509R | |
| 12 CSR 10-8.090 | Director of Revenue | | .27 MoReg 711R | .27 MoReg 1509R | |
| 12 CSR 10-8.100 | Director of Revenue | | .27 MoReg 711R | .27 MoReg 1509R | |
| 12 CSR 10-8.110 | Director of Revenue | | .27 MoReg 711R | .27 MoReg 1510R | |
| 12 CSR 10-8.130 | Director of Revenue | | .27 MoReg 712R | .27 MoReg 1510R | |
| 12 CSR 10-8.140 | Director of Revenue | | .27 MoReg 712R | .27 MoReg 1510R | |
| 12 CSR 10-8.150 | Director of Revenue | | .27 MoReg 712R | .27 MoReg 1510R | |
| 12 CSR 10-24.050 | Director of Revenue | | .27 MoReg 1472 | | |
| 12 CSR 10-24.190 | Director of Revenue | .27 MoReg 768..... | .27 MoReg 795..... | .27 MoReg 1411 | |
| 12 CSR 10-24.326 | Director of Revenue | .27 MoReg 768..... | .27 MoReg 795..... | .27 MoReg 1411 | |
| 12 CSR 10-24.430 | Director of Revenue | | .27 MoReg 1280 | | |
| 12 CSR 10-102.016 | Director of Revenue | | .27 MoReg 712 | .27 MoReg 1510 | |
| 12 CSR 10-103.395 | Director of Revenue | | .27 MoReg 713 | This Issue | |
| 12 CSR 10-108.700 | Director of Revenue | | .27 MoReg 713 | .27 MoReg 1510 | |
| 12 CSR 30-3.010 | State Tax Commission | | .27 MoReg 1202R | | |
| | | | .27 MoReg 1202 | | |
| 12 CSR 30-4.010 | State Tax Commission | | .27 MoReg 250 | | |
| DEPARTMENT OF SOCIAL SERVICES | | | | | |
| 13 CSR 15-4.050 | Division of Aging | | .27 MoReg 486..... | .27 MoReg 1120 | |
| | (Changed to 19 CSR 15-4.050) | | | | |
| 13 CSR 40-2.140 | Division of Family Services | .27 MoReg 1163 | .27 MoReg 1203 | | |
| 13 CSR 40-2.375 | Division of Family Services | .27 MoReg 1164 | .27 MoReg 1204 | | |
| 13 CSR 40-30.030 | Division of Family Services | .27 MoReg 1164 | .27 MoReg 1206 | | |
| 13 CSR 70-3.020 | Division of Medical Services | | .27 MoReg 1472 | | |
| 13 CSR 70-4.090 | Division of Medical Services | .27 MoReg 1165 | .27 MoReg 1206 | | |
| 13 CSR 70-10.015 | Division of Medical Services | | .27 MoReg 1473 | | |
| 13 CSR 70-10.150 | Division of Medical Services | | | | .27 MoReg 1125 |
| 13 CSR 70-15.010 | Division of Medical Services | .27 MoReg 1089 | .27 MoReg 894 | | |
| 13 CSR 70-15.040 | Division of Medical Services | .27 MoReg 1168 | .27 MoReg 1210 | | |
| 13 CSR 70-15.110 | Division of Medical Services | .27 MoReg 1091 | .27 MoReg 898 | | |
| 13 CSR 70-15.160 | Division of Medical Services | .27 MoReg 1169 | .27 MoReg 1213 | | |
| 13 CSR 70-15.170 | Division of Medical Services | .27 MoReg 1170 | | | |
| 13 CSR 70-20.031 | Division of Medical Services | .27 MoReg 1170 | .27 MoReg 1215 | | |
| 13 CSR 70-20.032 | Division of Medical Services | .27 MoReg 1171 | .27 MoReg 1215 | | |
| 13 CSR 70-20.034 | Division of Medical Services | .27 MoReg 1172 | .27 MoReg 1216 | | |
| 13 CSR 70-20.200 | Division of Medical Services | .27 MoReg 963 | .27 MoReg 1110 | | |
| 13 CSR 70-20.250 | Division of Medical Services | .27 MoReg 963 | .27 MoReg 1111 | | |
| 13 CSR 70-20.320 | Division of Medical Services | .27 MoReg 1173 | .27 MoReg 1320 | | |
| 13 CSR 70-26.010 | Division of Medical Services | | .27 MoReg 1477 | | |
| 13 CSR 70-35.010 | Division of Medical Services | .27 MoReg 1174 | .27 MoReg 1324 | | |
| 13 CSR 70-40.010 | Division of Medical Services | .27 MoReg 1176 | .27 MoReg 1326 | | |
| 13 CSR 73-2.015 | Missouri Board of Nursing | | | | |
| | Home Administrators | .27 MoReg 5 | .27 MoReg 19 | .27 MoReg 726 | |
| 13 CSR 73-2.070 | Missouri Board of Nursing | .27 MoReg 5 | .27 MoReg 20 | .27 MoReg 726 | |
| RETIREMENT SYSTEMS | | | | | |
| 16 CSR 10-5.080 | The Public School Retirement System of Missouri | | .27 MoReg 1280 | | |
| 16 CSR 10-6.065 | The Public School Retirement System of Missouri | | .27 MoReg 1281 | | |
| 16 CSR 50-10.010 | The County Employees' Retirement Fund | | .27 MoReg 900 | | |
| 16 CSR 50-10.030 | The County Employees' Retirement Fund | | .27 MoReg 900 | | |
| 16 CSR 50-10.040 | The County Employees' Retirement Fund | | .27 MoReg 901 | | |
| 16 CSR 50-10.050 | The County Employees' Retirement Fund | | .27 MoReg 902 | | |
| 16 CSR 50-10.070 | The County Employees' Retirement Fund | | .27 MoReg 903 | | |
| 16 CSR 50-20.030 | The County Employees' Retirement Fund | | .27 MoReg 903 | | |
| 16 CSR 50-20.050 | The County Employees' Retirement Fund | | .27 MoReg 903 | | |
| 16 CSR 50-20.070 | The County Employees' Retirement Fund | | .27 MoReg 904 | | |
| 16 CSR 50-20.080 | The County Employees' Retirement Fund | | .27 MoReg 905 | | |
| BOARDS OF POLICE COMMISSIONERS | | | | | |
| 17 CSR 10-2.010 | Kansas City Board of Police Commissioners | | | .27 MoReg 1288S | |
| 17 CSR 10-2.040 | Kansas City Board of Police Commissioners | | | | .27 MoReg 1288S |
| DEPARTMENT OF HEALTH AND SENIOR SERVICES | | | | | |
| 19 CSR 10-2.010 | Office of the Director | | .27 MoReg 800 | .27 MoReg 1510 | |
| 19 CSR 10-3.030 | Office of the Director | | .27 MoReg 801R | .27 MoReg 1511R | |
| 19 CSR 20-3.050 | Division of Environmental Health and Communicable Disease Prevention | | | | .27 MoReg 584 |
| 19 CSR 20-20.040 | Division of Environmental Health and Communicable Disease Prevention | .27 MoReg 1178 | .27 MoReg 1216 | | |
| 19 CSR 20-26.050 | Division of Environmental Health and Communicable Disease Prevention | .27 MoReg 964 | .27 MoReg 1032 | | |
| 19 CSR 20-26.060 | Division of Environmental Health and Communicable Disease Prevention | .27 MoReg 964 | .27 MoReg 1032 | | |
| 19 CSR 25-36.010 | Division of Administration | | .27 MoReg 805 | .27 MoReg 1511 | |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|--------------------------------|---|----------------------|----------------|----------------|-------------|
| 19 CSR 60-50 | Missouri Health Facilities Review | | | .27 MoReg 1062 | |
|  | ..... |  |  | .27 MoReg 1129 | |
|  | ..... |  |  | .27 MoReg 1288 | |
|  | ..... |  |  | .27 MoReg 1512 | |
| 19 CSR 90-3.010 | Missouri Senior Rx Program | .27 MoReg 393 | .27 MoReg 410 | | |
| DEPARTMENT OF INSURANCE | | | | | |
| 20 CSR | Medical Malpractice | | | .25 MoReg 597 | |
|  | ..... |  |  | .26 MoReg 599 | |
|  | ..... |  |  | .27 MoReg 415 | |
| | Sovereign Immunity Limits | | | .25 MoReg 724 | |
|  | ..... |  |  | .26 MoReg 75 | |
|  | ..... |  |  | .27 MoReg 41 | |
| 20 CSR 100-1.010 | Division of Consumer Affairs | | .27 MoReg 1327 | | |
| 20 CSR 100-1.020 | Division of Consumer Affairs | | .27 MoReg 1328 | | |
| 20 CSR 100-1.200 | Division of Consumer Affairs | | .27 MoReg 1328 | | |
| 20 CSR 200-1.010 | Financial Examination | | .27 MoReg 1329 | | |
| 20 CSR 200-2.700 | Financial Examination | | .27 MoReg 1329 | | |
| 20 CSR 200-3.300 | Financial Examination | | .27 MoReg 1330 | | |
| 20 CSR 200-6.100 | Financial Examination | | .27 MoReg 1330 | | |
| 20 CSR 200-6.300 | Financial Examination | | .27 MoReg 1333 | | |
| 20 CSR 200-6.500 | Financial Examination | | .27 MoReg 1333 | | |
| 20 CSR 200-8.100 | Financial Examination | | .27 MoReg 1334 | | |
| 20 CSR 200-10.200 | Financial Examination | | .27 MoReg 1341 | | |
| 20 CSR 300-2.200 | Market Conduct Examinations | | .27 MoReg 1341 | | |
| 20 CSR 400-1.010 | Life, Annuities and Health | | .27 MoReg 1343 | | |
| 20 CSR 400-1.020 | Life, Annuities and Health | | .27 MoReg 1344 | | |
| 20 CSR 400-1.030 | Life, Annuities and Health | | .27 MoReg 1345 | | |
| 20 CSR 400-1.150 | Life, Annuities and Health | | .27 MoReg 1347 | | |
| 20 CSR 400-2.010 | Life, Annuities and Health | | .27 MoReg 1352 | | |
| 20 CSR 400-2.060 | Life, Annuities and Health | | .27 MoReg 1352 | | |
| 20 CSR 400-2.090 | Life, Annuities and Health | | .27 MoReg 1352 | | |
| 20 CSR 400-2.130 | Life, Annuities and Health | | .27 MoReg 1353 | | |
| 20 CSR 400-3.650 | Life, Annuities and Health | | .27 MoReg 1362 | | |
| 20 CSR 400-4.100 | Life, Annuities and Health | | .27 MoReg 1369 | | |
| 20 CSR 400-5.100 | Life, Annuities and Health | | .27 MoReg 1371 | | |
| 20 CSR 400-5.200 | Life, Annuities and Health | | .27 MoReg 1371 | | |
| 20 CSR 400-5.300 | Life, Annuities and Health | | .27 MoReg 1372 | | |
| 20 CSR 400-5.400 | Life, Annuities and Health | | .27 MoReg 1372 | | |
| 20 CSR 400-5.500 | Life, Annuities and Health | | .27 MoReg 1376 | | |
| 20 CSR 400-5.600 | Life, Annuities and Health | | .27 MoReg 1376 | | |
| 20 CSR 400-5.700 | Life, Annuities and Health | | .27 MoReg 1380 | | |
| 20 CSR 400-7.030 | Life, Annuities and Health | | .27 MoReg 1380 | | |
| 20 CSR 400-7.050 | Life, Annuities and Health | | .27 MoReg 1381 | | |
| 20 CSR 500-1.100 | Property and Casualty | | .27 MoReg 1381 | | |
| 20 CSR 500-1.300 | Property and Casualty | | .27 MoReg 1382 | | |
| 20 CSR 500-1.700 | Property and Casualty | | .27 MoReg 1383 | | |
| 20 CSR 500-2.300 | Property and Casualty | | .27 MoReg 1383 | | |
| 20 CSR 500-2.400 | Property and Casualty | | .27 MoReg 1384 | | |
| 20 CSR 500-4.100 | Property and Casualty | | .27 MoReg 1385 | | |
| 20 CSR 500-4.300 | Property and Casualty | | .27 MoReg 1385 | | |
| 20 CSR 500-4.400 | Property and Casualty | | .27 MoReg 1388 | | |
| 20 CSR 500-6.100 | Property and Casualty | | .27 MoReg 1388 | | |
| 20 CSR 500-6.700 | Property and Casualty | | .27 MoReg 1032 | | |
| 20 CSR 500-6.960 | Property and Casualty | .27 MoReg 848R | .27 MoReg 905R | | |
|  | ..... | .27 MoReg 849 | .27 MoReg 906 | | |
| 20 CSR 600-2.100 | Statistical Reporting | | .27 MoReg 1389 | | |
| 20 CSR 600-2.110 | Statistical Reporting | | .27 MoReg 1389 | | |
| 20 CSR 600-2.200 | Statistical Reporting | | .27 MoReg 1390 | | |
| 20 CSR 700-1.010 | Licensing | | .27 MoReg 1390 | | |
| 20 CSR 700-1.020 | Licensing | | .27 MoReg 1391 | | |
| 20 CSR 700-1.025 | Licensing | | .27 MoReg 1393 | | |
| 20 CSR 700-1.030 | Licensing | | .27 MoReg 1393 | | |
| 20 CSR 700-1.040 | Licensing | | .27 MoReg 1394 | | |
| 20 CSR 700-1.050 | Licensing | | .27 MoReg 1394 | | |
| 20 CSR 700-1.060 | Licensing | | .27 MoReg 1394 | | |
| 20 CSR 700-1.090 | Licensing | | .27 MoReg 1395 | | |
| 20 CSR 700-1.100 | Licensing | | .27 MoReg 1395 | | |
| 20 CSR 700-1.110 | Licensing | | .27 MoReg 1398 | | |
| 20 CSR 700-1.120 | Licensing | | .27 MoReg 1399 | | |
| 20 CSR 700-1.130 | Licensing | | .27 MoReg 1399 | | |
| 20 CSR 700-1.135 | Licensing | | .27 MoReg 1400 | | |
| 20 CSR 700-1.140 | Licensing | | .27 MoReg 1400 | | |
| 20 CSR 700-1.150 | Licensing | | .27 MoReg 1404 | | |
| 20 CSR 700-3.100 | Licensing | | .27 MoReg 1404 | | |
| 20 CSR 700-7.100 | Licensing | | .27 MoReg 1405 | | |

Emergency Rules in Effect as of September 16, 2002**Expires****Office of Administration****Commissioner of Administration**

| | | |
|---|--|-------------------|
| 1 CSR 10-11.010 | State of Missouri Travel Regulations | February 27, 2003 |
| Personnel Advisory Board and Division of Personnel | | |

| | | |
|-----------------------|-----------------------------|-------------------|
| 1 CSR 20-5.020 | Leaves of Absence | November 27, 2002 |
|-----------------------|-----------------------------|-------------------|

Department of Agriculture**Animal Health**

| | | |
|-----------------------|--|------------------|
| 2 CSR 30-2.011 | Prohibiting Movement of Elk, White-Tailed Deer and Mule Deer | October 27, 2002 |
|-----------------------|--|------------------|

Plant Industries

| | | |
|-----------------------|--|------------------|
| 2 CSR 30-2.012 | Requirements for Captive Elk Entering Missouri During September 1 through September 30, 2002 | February 1, 2003 |
|-----------------------|--|------------------|

| | | |
|------------------------|------------------------------------|------------------|
| 2 CSR 70-13.045 | Registration of Apiaries | January 30, 2003 |
|------------------------|------------------------------------|------------------|

| | | |
|------------------------|--------------------------------------|------------------|
| 2 CSR 70-13.050 | Cotton/Bee Protection Area | January 30, 2003 |
|------------------------|--------------------------------------|------------------|

Weights and Measures

| | | |
|------------------------|--|-------------------|
| 2 CSR 90-10.040 | NFPA Manual No. 58 Storage and Handling of Liquefied Petroleum Gases | December 30, 2002 |
|------------------------|--|-------------------|

| | | |
|------------------------|--|---------------|
| 2 CSR 90-20.040 | <i>NIST Handbook 130</i> , "Uniform Regulations for the Method of Sale of Commodities" | March 9, 2003 |
|------------------------|--|---------------|

| | | |
|------------------------|---|---------------|
| 2 CSR 90-30.040 | Quality Standards for Motor Fuels | March 9, 2003 |
|------------------------|---|---------------|

Office of the Director

| | | |
|------------------------|--|-------------------|
| 2 CSR 110-1.010 | Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Bonding, and Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Fuel Ethanol Producer Incentive Program | February 23, 2003 |
|------------------------|--|-------------------|

Department of Conservation**Conservation Commission**

| | | |
|-----------------------|---|-------------------|
| 3 CSR 10-9.353 | Privileges for Class I and Class II Wildlife Breeders | February 10, 2003 |
|-----------------------|---|-------------------|

| | | |
|-----------------------|---|-------------------|
| 3 CSR 10-9.565 | Licensed Hunting Preserve: Privileges | February 10, 2003 |
|-----------------------|---|-------------------|

| | | |
|-----------------------|---|--------------------|
| 3 CSR 10-9.566 | Licensed Hunting Preserve: Records Required | September 16, 2002 |
|-----------------------|---|--------------------|

Department of Economic Development**Missouri Dental Board**

| | | |
|------------------------|---|--------------------|
| 4 CSR 110-2.131 | Definition of a Public Health Setting | September 20, 2002 |
|------------------------|---|--------------------|

Department of Labor and Industrial Relations**Division of Employment Security**

| | | |
|-----------------------|-------------------------------------|-------------------|
| 8 CSR 10-4.180 | Coverage of Indian Tribes | December 27, 2002 |
|-----------------------|-------------------------------------|-------------------|

Department of Mental Health**Director, Department of Mental Health**

| | | |
|-----------------------|---|------------------|
| 9 CSR 10-5.200 | Report of Complaints of Abuse, Neglect and Misuse of Funds/Property | October 28, 2002 |
|-----------------------|---|------------------|

Department of Public Safety**Adjutant General**

| | | |
|------------------------|---|-------------------|
| 11 CSR 10-5.010 | Missouri World War II Veterans' Recognition Program | February 27, 2003 |
|------------------------|---|-------------------|

Department of Revenue**Director of Revenue**

| | | |
|-------------------------|---|------------------|
| 12 CSR 10-24.190 | Drivers License Retesting Requirements After a License, School Bus Permit or Temporary Instruction Permit Expires | October 10, 2002 |
|-------------------------|---|------------------|

| | | |
|-------------------------|---|------------------|
| 12 CSR 10-24.326 | Third Party Tester and Examiner Sanction and Hearing Guidelines | October 26, 2002 |
|-------------------------|---|------------------|

Department of Social Services**Division of Family Services**

| | | |
|------------------------|--|-------------------|
| 13 CSR 40-2.140 | Limitations on Amount of Cash Payments | December 27, 2002 |
|------------------------|--|-------------------|

| | | |
|------------------------|---|-------------------|
| 13 CSR 40-2.375 | Medical Assistance for Families | December 27, 2002 |
|------------------------|---|-------------------|

| | | |
|-------------------------|---|-------------------|
| 13 CSR 40-30.030 | Attorney Fees and Guardian <i>Ad Litem</i> Fees in Subsidized Adoption and Guardianship Cases | December 20, 2002 |
|-------------------------|---|-------------------|

Division of Medical Services

| | | |
|------------------------|---|-------------------|
| 13 CSR 70-4.090 | Uninsured Parents' Health Insurance Program | December 27, 2002 |
|------------------------|---|-------------------|

| | | |
|-------------------------|--|------------------|
| 13 CSR 70-15.010 | Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology | December 2, 2002 |
|-------------------------|--|------------------|

| | | |
|-------------------------|--|-------------------|
| 13 CSR 70-15.040 | Inpatient Hospital and Outpatient Hospital Settlements | February 27, 2003 |
|-------------------------|--|-------------------|

| | | |
|-------------------------|---|------------------|
| 13 CSR 70-15.110 | Federal Reimbursement Allowance (FRA) | December 2, 2002 |
|-------------------------|---|------------------|

| | | |
|-------------------------|---|-------------------|
| 13 CSR 70-15.160 | Prospective Outpatient Hospital Services Reimbursement Methodology | February 27, 2003 |
| 13 CSR 70-15.170 | Enhanced Disproportionate Share Payment to Trauma Hospitals for the Cost of Care to the Uninsured Provided by Physicians Not Employed by the Hospital | February 27, 2003 |
| 13 CSR 70-20.031 | List of Excludable Drugs for Which Prior Authorization is Required | December 27, 2002 |
| 13 CSR 70-20.032 | List of Drugs Excluded From Coverage Under the Missouri Medicaid Pharmacy Program | December 27, 2002 |
| 13 CSR 70-20.034 | List of Non-Excludable Drugs for Which Prior Authorization is Required | December 27, 2002 |
| 13 CSR 70-20.200 | Drug Prior Authorization Process | November 27, 2002 |
| 13 CSR 70-20.250 | Prior Authorization of New Drug Entities or New Drug Dosage Form | November 27, 2002 |
| 13 CSR 70-20.320 | Pharmacy Reimbursement Allowance | February 27, 2003 |
| 13 CSR 70-35.010 | Dental Benefits and Limitations, Medicaid Program | February 27, 2003 |
| 13 CSR 70-40.010 | Optical Care Benefits and Limitations—Medicaid Program | February 27, 2003 |

Department of Health and Senior Services

Office of the Director

| | | |
|---|--|--------------------|
| 19 CSR 10-4.040 | Definition of a Public Health Setting | September 20, 2002 |
| Division of Environmental Health and Communicable Disease Prevention | | |
| 19 CSR 20-20.040 | Measures for the Control of Communicable, Environmental and Occupational Diseases | December 28, 2002 |
| 19 CSR 20-26.050 | Preventing Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) from Health Care Workers to Patients | December 28, 2002 |
| 19 CSR 20-26.060 | Voluntary Evaluation for the Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV)—Infected Health Care Professionals Who Perform Invasive Procedures | December 28, 2002 |

Department of Insurance

Property and Casualty

| | | |
|-------------------------|---|-------------------|
| 20 CSR 500-6.960 | Plan of Operation for the Workers' Compensation Residual Market | February 6, 2003 |
| 20 CSR 500-6.960 | Plan of Operation for the Workers' Compensation Residual Market | February 18, 2003 |

The rule number and the MoReg publication date follow each entry to this index.

ABOVEGROUND STORAGE TANKS

applicability, definitions; 10 CSR 20-15.010; 10/15/01, 4/1/02
release reporting; 10 CSR 20-15.020; 10/15/01, 4/1/02
site characterization, corrective action; 10 CSR 20-15.030;
10/15/01, 4/1/02

ACCOUNTANCY

exam; 4 CSR 10-2.041; 12/17/01, 5/15/02
fees; 4 CSR 10-2.160; 8/1/01, 12/17/01, 5/15/02
license; 4 CSR 10-2.022; 12/17/01, 5/15/02
permit; 4 CSR 10-2.061; 12/17/01, 5/15/02

ADJUTANT GENERAL

WWII recognition awards; 11 CSR 10-5.010; 8/1/02

ADMINISTRATIVE HEARING COMMISSION

answers, other responsive pleadings; 1 CSR 15-2.380,
1 CSR 15-3.380; 7/1/02
bench rulings; 1 CSR 15-2.530; 7/1/02
closing of case records, hearings; 1 CSR 15-2.410, 1 CSR 15-
3.410; 7/1/02
complaints; 1 CSR 15-2.350, 1 CSR 15-3.350; 7/1/02
computation of time; 1 CSR 15-2.230; 7/1/02
definitions; 1 CSR 15-2.210, 1 CSR 15-3.210; 7/1/02
determination of cases without hearing; 1 CSR 15-2.450,
1 CSR 15-3.450; 7/1/02
discovery; 1 CSR 15-2.420, 1 CSR 15-3.420; 7/1/02
dismissal; 1 CSR 15-2.430, 1 CSR 15-3.430; 7/1/02
disposing of a case without a hearing; 1 CSR 15-3.440; 7/1/02
fees, expenses; 1 CSR 15-2.560; 7/1/02
filing of documents; 1 CSR 15-2.290; 7/1/02
hearings
complaints; 1 CSR 15-2.490, 1 CSR 15-3.490; 7/1/02
motions; 1 CSR 15-2.480; 7/1/02

intervention; 1 CSR 15-2.390, 1 CSR 15-3.390; 7/1/02
practice by attorney; 1 CSR 15-2.250, 1 CSR 15-3.250; 7/1/02
prehearing conference; 1 CSR 15-2.470; 7/1/02
with mediation; 1 CSR 15-3.470; 7/1/02
records, certification; 1 CSR 15-2.580, 1 CSR 15-3.580; 7/1/02
sanctions; 1 CSR 15-3.425; 7/1/02
service of filings; 1 CSR 15-2.270; 7/1/02
stays or suspension; 1 CSR 15-2.320, 1 CSR 15-3.320; 7/1/02
subject matter; 1 CSR 15-2.200, 1 CSR 15-3.200; 7/1/02
transcripts; 1 CSR 15-2.510; 7/1/02

AIR QUALITY, POLLUTION

compliance monitoring usage; 10 CSR 10-6.280; 8/15/01,
2/1/02
construction permits; 10 CSR 10-6.060; 10/15/01, 4/15/02,
9/16/02
emissions
banking, trading; 10 CSR 10-6.410; 9/16/02
data, fees, process information; 10 CSR 10-6.110; 2/15/02,
7/15/02
episodes of high air pollution potential; 10 CSR 10-6.130;
4/15/02
fuel burning equipment; 10 CSR 10-3.060, 10 CSR 10-
4.040; 5/1/02
hazardous air pollutants; 10 CSR 10-6.080; 3/1/02, 8/15/02
internal combustion engines; 10 CSR 10-2.080, 10 CSR 10-
5.180; 4/1/02
lead smelter -refinery installations; 10 CSR 10-6.120; 9/16/02
motor vehicle inspection; 10 CSR 10-5.380; 6/17/02

perchloroethylene dry cleaning; 10 CSR 10-2.280,
10 CSR 10-5.320; 7/1/02
restrictions, visible air contaminants; 10 CSR 10-6.220;
4/1/02
solvent metal cleaning; 10 CSR 10-5.300; 10/15/01,
4/15/02

gasoline Reid vapor pressure; 10 CSR 10-5.443; 5/15/02
incinerators, waiver; 10 CSR 10-5.375; 3/15/01
maximum achievable control technology; 10 CSR 10-6.075;
3/1/02, 8/15/02
new source performance operations; 10 CSR 10-6.070; 3/1/02,
8/15/02
odors, control of; 10 CSR 10-5.170; 9/3/02
operating permits; 10 CSR 10-6.065; 10/15/01, 4/15/02, 9/3/02
petroleum storage, loading, transfer; 10 CSR 10-2.260; 5/1/02
sales tax exemption; 10 CSR 10-6.320; 7/1/02

ANIMAL HEALTH

admission; 2 CSR 30-2.010; 12/3/01, 5/1/02, 6/17/02, 8/15/02
duties, facilities of the market/sale veterinarian; 2 CSR 30-6.020;
12/3/01, 5/1/02, 6/17/02, 8/15/02
elk, captive, entering Missouri; 2 CSR 30-2.012; 9/3/02
exhibition; 2 CSR 30-2.040; 12/3/01, 5/1/02, 6/17/02, 8/15/02
movement of livestock; 2 CSR 30-2.020; 6/17/02
prohibiting movement of elk, deer; 2 CSR 30-2.011; 6/3/02

APPRAISERS, REAL ESTATE

application; 4 CSR 245-5.020; 5/15/01, 9/4/01
payment; 4 CSR 245-5.010; 5/15/01, 9/4/01

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, LANDSCAPE ARCHITECTS

engineers
continuing professional competency; 4 CSR 30-11.015;
12/3/01, 5/1/02
reexaminations; 4 CSR 30-5.105; 12/3/01, 5/1/02
fees; 4 CSR 30-6.015; 8/1/02
reexamination; 4 CSR 30-6.020; 8/1/02
land surveyors
admission to examination; 4 CSR 30-5.110; 12/3/01, 5/1/02

ATHLETICS, BOARD OF

amateur boxing; 4 CSR 40-5.050; 12/17/01, 4/15/02
announcers; 4 CSR 40-4.060; 12/17/01, 4/15/02
boxing rules; 4 CSR 40-5.040; 12/17/01, 4/15/02
contestants; 4 CSR 40-4.090; 12/17/01, 4/15/02
custodian of public records; 4 CSR 40-1.030; 12/17/01, 4/15/02
definitions; 4 CSR 40-1.021; 12/17/01, 4/15/02
disciplinary, appeal procedures; 4 CSR 40-7.010; 12/17/01,
4/15/02
elimination contest; 4 CSR 40-5.070; 12/17/01, 4/15/02
facility, equipment; 4 CSR 40-6.010; 12/17/01, 4/15/02
fees, document search; 4 CSR 40-1.031; 12/17/01, 4/15/02
full-contact karate, kickboxing; 4 CSR 40-5.060; 12/17/01,
4/15/02
inspectors; 4 CSR 40-5.010; 12/17/01, 4/15/02
judges; 4 CSR 40-4.080; 12/17/01, 4/15/02
licenses; 4 CSR 40-2.011; 12/17/01, 4/15/02
matchmakers; 4 CSR 40-4.020; 12/17/01, 4/15/02
organization; 4 CSR 40-1.010; 12/17/01, 4/15/02
permits; 4 CSR 40-2.021; 12/17/01, 4/15/02
physicians; 4 CSR 40-4.040; 12/17/01, 4/15/02
promoters; 4 CSR 40-4.015; 12/17/01, 4/15/02
referees; 4 CSR 40-4.030; 12/17/01, 4/15/02

seconds; 4 CSR 40-4.070; 12/17/01, 4/15/02
tickets and taxes; 4 CSR 40-3.011; 12/17/01, 4/15/02
timekeepers; 4 CSR 40-4.050; 12/17/01, 4/15/02
wrestling rules; 4 CSR 40-5.030; 12/17/01, 4/15/02

ATHLETIC TRAINERS, REGISTRATION OF
advisory commission; 4 CSR 150-6.080; 9/16/02
fees; 4 CSR 150-6.050; 6/3/02

ATTORNEY GENERAL, OFFICE OF THE
no-call database
access; 15 CSR 60-13.060; 10/15/01, 2/1/02

BINGO

games; 11 CSR 45-5.290; 1/16/02, 5/1/02
price reporting; 11 CSR 45-30.570; 7/1/02
promotions; 11 CSR 45-30.025; 12/3/01, 4/1/02, 8/1/02
pull-tab cards; 11 CSR 45-30.355; 3/1/02, 7/1/02

BOLL WEEVIL ERADICATION

apiaries, registration; 2 CSR 70-13.045; 5/15/02
cotton/bee protection area; 2 CSR 70-13.050; 5/15/02

CERTIFICATE OF NEED PROGRAM

administration; 19 CSR 60-50.900; 1/16/02, 5/1/02
application
 package; 19 CSR 60-50.430; 1/16/02, 5/1/02
 process; 19 CSR 60-50.420; 1/16/02, 5/1/02
criteria and standards
 alternatives; 19 CSR 60-50.480; 1/16/02, 5/1/02
 equipment; 19 CSR 60-50.440; 1/16/02, 5/1/02
 financial feasibility; 19 CSR 60-50.470; 1/16/02, 5/1/02
 hospital, freestanding health services; 19 CSR 60-50.440;
 1/16/02, 5/1/02
 long-term care; 19 CSR 60-50.450; 1/16/02, 5/1/02
 other health services, emerging technology; 19 CSR 60-
 50.460; 1/16/02, 5/1/02
decisions; 19 CSR 60-50.600; 1/16/02, 5/1/02
 post-decision activity; 19 CSR 60-50.700; 1/16/02, 5/1/02
definitions; 19 CSR 60-50.300; 1/16/02, 5/1/02
health service guidelines; 19 CSR 60-50.310; 1/16/02, 5/1/02
information, additional; 19 CSR 60-50.500; 1/16/02, 5/1/02
letter of intent
 package; 19 CSR 60-50.410; 1/16/02, 5/1/02
 process; 19 CSR 60-50.400; 1/16/02, 5/1/02
meeting procedures; 19 CSR 60-50.800; 1/16/02, 5/1/02
purpose and structure; 19 CSR 60-50.200; 1/16/02, 5/1/02
review process; 19 CSR 60-50.420; 1/16/02, 5/1/02

CHILD CARE

foster child, educational plan; 13 CSR 40-60.050; 2/15/02,
6/17/02

CIVIL RIGHTS COMPLIANCE

requirements; 19 CSR 10-2.010; 5/15/02, 9/3/02

CLEAN WATER COMMISSION

40% construction grant; 10 CSR 20-4.023; 4/16/01
groundwater remediation; 10 CSR 20-7.040; 2/1/02, 8/1/02
hardship grants; 10 CSR 20-4.043; 4/16/01
storm water regulations; 10 CSR 20-6.200; 10/15/01, 4/15/02

CONSERVATION COMMISSION

area closings; 3 CSR 10-11.115; 6/17/02, 9/3/02
black bass; 3 CSR 10-6.505; 9/3/02
boats and motors; 3 CSR 10-11.160, 3 CSR 10-12.110; 6/17/02,
9/3/02
bullfrogs and green frogs; 3 CSR 10-11.165; 6/17/02, 9/3/02
camping; 3 CSR 10-11.140; 6/17/02, 9/3/02
commercial establishments; 3 CSR 10-10.743; 6/17/02, 9/3/02

decoys and blinds; 3 CSR 10-11.155; 6/17/02, 9/3/02
deer; 3 CSR 10-7.435; 6/17/02, 8/15/02
 hunting; 3 CSR 10-11.182; 6/17/02, 7/15/02, 9/3/02
 managed hunts; 3 CSR 10-11.183; 6/17/02, 9/3/02
definitions; 3 CSR 10-20.805; 6/17/02, 9/3/02
endangered species; 3 CSR 10-4.111; 2/1/02, 4/15/02
field trials; 3 CSR 10-11.125; 6/17/02, 9/3/02
fishermen, commercial; 3 CSR 10-10.727; 6/17/02
 fishing
 commercial; 3 CSR 10-10.725; 6/17/02
 daily and possession limits; 3 CSR 10-12.140; 6/17/02,
 9/3/02
 hours and methods; 3 CSR 10-11.205; 6/17/02, 9/3/02
 length limits; 3 CSR 10-12.145, 3 CSR 10-11.215; 6/17/02,
 9/3/02
 limits; 3 CSR 10-11.210; 6/17/02, 9/3/02
 methods; 3 CSR 10-6.410, 3 CSR 10-12.135; 6/17/02, 9/3/02
furbearers; 3 CSR 10-8.515; 6/17/02, 9/3/02
hound running area; 3 CSR 10-9.575; 6/17/02, 9/3/02
hunting and trapping; 3 CSR 10-12.125; 6/17/02, 9/3/02
hunting methods; 3 CSR 10-7.410; 6/17/02, 9/3/02
hunting preserve
 privileges; 3 CSR 10-9.565; 4/1/02, 9/3/02
 records required; 3 CSR 10-9.566; 4/1/02, 6/17/02
hunting seasons; 3 CSR 10-11.180; 9/3/02
live bait; 3 CSR 10-6.605; 6/17/02, 9/3/02
migratory game birds; 3 CSR 10-7.440; 8/15/02
other fish; 3 CSR 10-6.550; 6/17/02, 9/3/02
owner may protect property; 3 CSR 10-4.130; 6/17/02, 9/3/02
paddlefish; 3 CSR 10-6.525; 8/15/02
permits and privileges; 3 CSR 10-5.215; 6/17/02, 9/3/02
confined wildlife; 3 CSR 10-9.630; 6/17/02, 9/3/02
deer hunting; 3 CSR 10-5.350; 6/17/02, 9/3/02
 first bonus; 3 CSR 10-5.352; 6/17/02, 9/3/02
 second bonus; 3 CSR 10-5.353; 6/17/02, 9/3/02
exemptions; 3 CSR 10-5.205; 6/17/02, 9/3/02
field trials; 3 CSR 10-9.625; 6/17/02, 9/3/02
fishing, daily; 3 CSR 10-5.440; 7/15/02
hound running area operators; 3 CSR 10-9.570; 6/17/02,
9/3/02
hunting preserve; 3 CSR 10-5.460, 3 CSR 10-9.560;
 6/17/02, 9/3/02
 3-day license; 3 CSR 10-5.465; 6/17/02, 9/3/02
 issuing agents; 3 CSR 10-5.225; 6/17/02, 9/3/02
nonresident firearms deer; 3 CSR 10-5.550; 6/17/02, 9/3/02
any-deer hunting; 3 CSR 10-5.551; 10/1/01, 2/1/02,
3/15/02, 6/3/02, 6/17/02, 9/3/02
first bonus; 3 CSR 10-5.552; 6/17/02, 9/3/02
hunting; 3 CSR 10-5.550; 10/1/01, 2/1/02, 3/15/02,
6/3/02
landowner; 3 CSR 10-5.575; 6/17/02, 9/3/02
any-deer; 3 CSR 10-5.576; 6/17/02, 9/3/02
first bonus; 3 CSR 10-5.577; 6/17/02, 9/3/02
second bonus; 3 CSR 10-5.578; 6/17/02, 9/3/02
managed deer hunt; 3 CSR 10-5.559; 10/1/01, 2/1/02,
6/17/02, 9/3/02
second bonus; 3 CSR 10-5.553; 6/17/02, 9/3/02
resident
any-deer hunting; 3 CSR 10-5.351; 7/15/02
archer's deer hunting; 3 CSR 10-5.360; 7/15/02
fishing; 3 CSR 10-5.340; 7/15/02
managed deer hunting; 3 CSR 10-5.359; 7/15/02
small game hunting; 3 CSR 10-5.345; 7/15/02
 daily; 3 CSR 10-5.445; 7/15/02
turkey hunting; 3 CSR 10-5.365; 7/15/02
turkey archers; 3 CSR 10-5.560; 10/1/01, 2/1/02
 antlerless-only; 3 CSR 10-5.425; 6/17/02, 9/3/02
nonresident; 3 CSR 10-5.565; 10/1/01, 2/1/02, 6/17/02

trout fishing area; 3 CSR 10-9.645; 6/17/02, 9/3/02
 wildlife; 3 CSR 10-9.106; 6/17/02, 9/3/02
 collectors; 3 CSR 10-9.425; 6/17/02, 9/3/02
 youth deer and turkey hunting; 3 CSR 10-5.420; 7/15/02
 prohibitions, general; 3 CSR 10-9.110; 6/17/02, 9/3/02
 provisions; 3 CSR 10-6.405; 11/1/01, 2/1/02, 6/17/02, 9/3/02
 general; 3 CSR 10-11.110; 6/17/02, 9/3/02
 restricted zones; 3 CSR 10-6.415; 6/17/02, 9/3/02
 right to possess wildlife; 3 CSR 10-4.141; 6/17/02, 9/3/02
 seasons, hunting; 3 CSR 10-11.180; 6/17/02, 9/3/02
 target shooting, shooting ranges; 3 CSR 10-11.150; 7/15/02
 traps, use of; 3 CSR 10-8.510; 6/17/02, 9/3/02
 tree stands; 3 CSR 10-11.145; 6/17/02, 9/3/02
 turkey season; 3 CSR 10-7.455; 2/1/02, 6/17/02, 9/3/02
 walleye and sauger; 3 CSR 10-6.540; 6/17/02, 9/3/02
 waterfowl hunting; 3 CSR 10-11.186; 6/17/02, 9/3/02
 wildlife
 breeders; 3 CSR 10-9.353; 4/1/02, 6/17/02, 9/3/02
 records required; 3 CSR 10-9.359; 6/17/02, 9/3/02
 Class II; 3 CSR 10-9.351; 6/17/02, 9/3/02
 confinement standards; 3 CSR 10-9.220; 6/17/02, 9/3/02
 privileges; 3 CSR 10-9.353; 6/17/02, 9/3/02

COSMETOLOGY, STATE BOARD OF

change of mailing address; 4 CSR 90-13.070; 1/2/02, 5/1/02
 esthetic schools; 4 CSR 90-2.030; 1/2/02, 5/1/02
 hours; 4 CSR 90-8.010; 1/2/02, 5/1/02
 instructor license; 4 CSR 90-12.080; 1/2/02, 5/1/02
 manicuring schools; 4 CSR 90-2.020; 1/2/02, 5/1/02
 practice outside, away from beauty shop; 4 CSR 90-4.020;
 1/2/02, 5/1/02
 schools; 4 CSR 90-2.010; 1/2/02, 5/1/02

CREDIT UNIONS

service organization; 4 CSR 100-2.085; 1/2/02, 4/15/02

DENTAL BOARD, MISSOURI

addressing the public; 4 CSR 110-2.110; 8/1/02
 continuing dental education; 4 CSR 110-2.240; 1/16/02, 5/1/02,
 8/1/02
 equipment; 4 CSR 110-2.132; 4/1/02, 7/15/02
 fees; 4 CSR 110-2.170; 1/16/02, 5/1/02
 public health setting; 4 CSR 110-2.131; 4/1/02, 7/15/02

DISEASES

measures for control of; 19 CSR 20-20.040; 7/15/02
 metabolic, genetic testing; 19 CSR 25-36.010; 5/15/02, 9/3/02
 sexually transmitted diseases
 preventing transmission of HIV, HBV; 19 CSR 20-
 26.050; 6/17/02
 voluntary evaluation for health care professionals; 19 CSR
 20-26.060; 6/17/02

DRINKING WATER PROGRAM, PUBLIC

contaminant levels
 filter backwash recycling; 10 CSR 60-4.050; 2/15/02
 radionuclide level; 10 CSR 60-4.060; 2/15/02

DRIVERS LICENSE BUREAU RULES

back of drivers license; 12 CSR 10-24.430; 8/1/02
 deletion of data from records; 12 CSR 10-24.050; 9/3/02
 J88 notation, deaf, hard of hearing; 12 CSR 10-24.470;
 12/17/01, 4/1/02
 retesting requirements; 12 CSR 10-24.190; 11/1/01, 2/15/02,
 5/15/02, 8/15/02
 third party tester; 12 CSR 10-24.326; 5/15/02, 8/15/02

ELEMENTARY AND SECONDARY EDUCATION

academically deficient schools; 5 CSR 50-340.110; 11/1/01,
 4/1/02, 5/1/02
 application, certificate to teach; 5 CSR 80-800.200; 9/16/02

administrators; 5 CSR 80-800.220; 9/16/02
 adult education; 5 CSR 80-800.280; 9/16/02
 assessments required; 5 CSR 80-800.380; 4/1/02, 8/15/02
 classifications; 5 CSR 80-800.360; 12/3/01, 5/1/02, 9/16/02
 content areas; 5 CSR 80-800.350; 9/16/02
 discipline, denial; 5 CSR 80-800.300; 9/16/02
 student services; 5 CSR 80-800.230; 9/16/02
 temporary authorization; 5 CSR 80-800.260; 9/16/02
 vocational-technical; 5 CSR 80-800.270; 9/16/02
 calculation of previous per eligible pupil; 5 CSR 30-660.050;
 12/3/01, 4/1/02
 cost of education index; 5 CSR 30-660.030; 12/3/01, 4/1/02
 districts, school
 annual public reporting; 5 CSR 30-4.040; 5 CSR 50-
 340.200; 12/3/01, 4/1/02
 collection of reports; 5 CSR 30-4.045; 12/3/01, 4/1/02
 fees; 5 CSR 80-800.370; 9/16/02
 innovative or alternative programs; 5 CSR 80-805.030; 12/3/01,
 5/1/02
 library media centers; 5 CSR 50-340.030; 5/1/02, 9/16/02
 order of selection for services; 5 CSR 90-4.300; 9/16/02
 salaries, minimum; 5 CSR 30-660.040; 12/3/01, 4/1/02
 scholarship, teacher education; 5 CSR 80-850.010; 5/1/02, 9/16/02
 summer school; 5 CSR 50-340.050; 4/1/02, 7/1/02
 vocational rehabilitation
 home modification, remodeling; 5 CSR 90-5.450; 9/16/02
 maintenance, transportation; 5 CSR 90-5.420; 9/16/02
 mediation; 5 CSR 90-4.430; 9/16/02
 physical, mental restoration; 5 CSR 90-5.430; 9/16/02
 state plan; 5 CSR 60-120.010; 9/16/02
 vocational-technical education enhancement grant; 5 CSR 60-
 120.070; 11/1/01, 4/1/02

EMERGENCY MANAGEMENT AGENCY, STATE

definitions; 11 CSR 10-11.220; 2/1/02, 5/15/02
 EPCRA reporting procedures; 11 CSR 10-11.240; 2/1/02,
 5/15/02
 fees, hazardous chemicals; 11 CSR 10-11.250; 2/1/02, 5/15/02
 notification, releases of substances; 11 CSR 10-11.230; 2/1/02,
 5/15/02
 organization; 11 CSR 10-11.210; 2/1/02, 5/15/02

EMPLOYMENT SECURITY

appeals; 8 CSR 10-5.010; 5/15/02, 9/3/02
 decisions; 8 CSR 10-5.050; 5/15/02, 9/3/02
 hearings; 8 CSR 10-5.015; 5/15/02, 9/3/02
 orders of appeal; 8 CSR 10-5.040; 5/15/02, 9/3/02
 telephone hearings; 8 CSR 10-5.030; 5/15/02, 9/3/02

ETHANOL FUEL

producers; 2 CSR 110-1.010; 9/3/02

FINANCE, DIVISION OF

accounting, other real estate; 4 CSR 140-2.070; 3/15/02, 7/1/02
 bank holding companies
 licensing; 4 CSR 140-10.030; 3/15/02, 7/1/02
 regional interstate; 4 CSR 140-10.010; 3/15/02, 7/1/02
 corporations, community development; 4 CSR 140-2.067;
 3/15/02, 7/1/02
 loan companies, small
 licensing; 4 CSR 140-11.010; 3/15/02, 9/3/02
 record keeping; 4 CSR 140-11.020; 3/15/02, 9/3/02
 organization; 4 CSR 140-1.010; 3/15/02, 7/1/02
 sale of checks; 4 CSR 140-12.010; 3/15/02, 7/1/02
 section 408.510 companies
 licensing; 4 CSR 140-13.010; 3/15/02, 7/1/02
 section 500 companies
 licensing; 4 CSR 140-11.030; 3/15/02, 9/3/02
 record keeping; 4 CSR 140-11.040; 3/15/02, 9/3/02
 title loan companies
 licensing; 4 CSR 140-29.010; 3/15/02, 7/1/02

GAMING COMMISSION

application
 class A; 11 CSR 45-4.030; 12/3/01, 4/15/02
 priority of; 11 CSR 45-4.060; 9/3/02
cards, specifications; 11 CSR 45-5.183; 7/1/02
definitions; 11 CSR 45-1.090; 1/16/02, 5/1/02
identification badge; 11 CSR 45-4.410; 1/16/02, 5/1/02
liquor control; 11 CSR 45-12.090; 1/16/02, 5/1/02
minimum internal control standards; 11 CSR 45-9.030; 4/1/02,
 8/1/02
occupational license; 11 CSR 45-4.260; 12/3/01, 3/1/02;
 4/15/02, 7/1/02; 11 CSR 45-4.420; 1/16/02, 5/1/02
 levels; 11 CSR 45-4.400; 1/16/02, 5/1/02
payout percentage
 gaming devices; 11 CSR 45-5.070; 4/1/02, 8/1/02
progressive table games; 11 CSR 45-5.075; 4/1/02, 8/1/02
record keeping
 manufacturer; 11 CSR 45-30.395; 11/1/01, 4/15/02
 suppliers; 11 CSR 45-30.525; 11/1/01, 4/15/02
records; 11 CSR 45-3.010; 6/3/02
reports; 11 CSR 45-8.050; 1/16/02, 5/1/02
riverboat safety
 inspections; 11 CSR 45-6.025; 1/16/02, 6/3/02
 standards; 11 CSR 45-6.020; 1/16/02, 6/3/02
rules of play; 11 CSR 45-30.190; 11/1/01, 4/15/02
supplier's license; 11 CSR 45-4.200; 12/3/01, 4/15/02
 affiliate; 11 CSR 45-4.205; 12/3/01, 4/15/02
transmittal of record; 11 CSR 45-13.070; 1/16/02, 5/1/02

HAZARDOUS WASTE PROGRAM

definitions; 10 CSR 25-3.260; 1/16/02, 7/1/02
fees and taxes; 10 CSR 25-12.010; 1/16/02, 5/1/02, 7/1/02
transporters, standards; 10 CSR 25-6.263; 1/16/02, 7/1/02

HEALTH CARE

healthy communities incentive program; 19 CSR 10-4.050;
 3/15/02, 7/1/02
PRIMO program; 19 CSR 10-4.010; 3/15/02, 7/15/02
public health setting; 19 CSR 10-4.040; 4/1/02, 7/15/02

HEALTH CARE PLAN, MISSOURI CONSOLIDATED

benefit provision, covered charges; 22 CSR 10-2.055; 1/16/02,
 5/1/02
definitions; 22 CSR 10-2.010; 1/16/02, 5/1/02
HMO and POS limitations; 22 CSR 10-2.067; 1/16/02, 5/1/02
review and appeals procedures; 22 CSR 10-2.075; 1/16/02,
 5/1/02
summary of medical benefits
 co-pay plan; 22 CSR 10-2.045; 1/16/02, 5/1/02
 HMO/POS premium option; 22 CSR 10-2.063; 1/16/02,
 5/1/02
 HMO/POS standard option; 22 CSR 10-2.064; 1/16/02,
 5/1/02
 PPO plan; 22 CSR 10-2.040; 1/16/02, 5/1/02
 staff model; 22 CSR 10-2.065; 1/16/02, 5/1/02

HEARING INSTRUMENT SPECIALISTS

continuing education; 4 CSR 165-2.050; 9/4/01, 2/1/02, 8/1/02
fees; 4 CSR 165-1.020; 9/4/01, 2/1/02
license renewal; 4 CSR 165-2.060; 9/4/01, 2/1/02

HIGHER EDUCATION

proprietary schools; 6 CSR 10-5.010; 12/1/00, 3/15/01, 6/15/01

HIGHWAYS

adopt-a-highway program
 agreement; 7 CSR 10-14.040; 2/15/02, 7/15/02
 modification, termination; 7 CSR 10-14.060; 2/15/02,
 7/15/02
application; 7 CSR 10-14.030; 2/15/02, 7/15/02
definitions; 7 CSR 10-14.020; 2/15/02, 7/15/02
sign; 7 CSR 10-14.050; 2/15/02, 7/15/02
technician certification program
 appeal process; 7 CSR 10-23.030; 6/17/02
 certification, decertification; 7 CSR 10-23.020; 6/17/02
 definitions; 7 CSR 10-23.010; 6/17/02

INCOME MAINTENANCE

limitations on cash payments; 13 CSR 40-2.140; 7/15/02
medical assistance for families; 13 CSR 40-2.375; 7/15/02

INDIAN TRIBES

coverage of unemployment insurance; 8 CSR 10-4.180; 7/15/02

INSURANCE, DEPARTMENT OF

accounting standards, principles; 20 CSR 200-1.020; 1/16/02,
 5/15/02
advertising
 accident and sickness insurance; 20 CSR 400-5.700; 8/15/02
 life insurance; 20 CSR 400-5.100; 8/15/02
affiliated transactions; 20 CSR 200-11.130; 1/16/02, 5/15/02
annuity, modified guaranty; 20 CSR 400-1.150; 8/15/02
appointment, termination of producers; 20 CSR 700-1.130;
 8/15/02
 forms for filing notice of 20 CSR 700-1.135; 8/15/02
automobile insurance
 cancellation, nonrenewal; 20 CSR 500-2.300; 8/15/02
 claims practices; 20 CSR 100-1.200; 8/15/02
 conduct of business over the Internet; 20 CSR 700-1.025;
 8/15/02
 deceptive practices; 20 CSR 400-5.200; 8/15/02
 definitions; 20 CSR 100-1.010; 8/15/02
 education, prelicensing; 20 CSR 700-3.100; 8/15/02
 Federal Liability Risk Retention Act; 20 CSR 200-8.100; 8/15/02
 fee charges; 20 CSR 500-4.400; 8/15/02
 filings required, MGA; 20 CSR 200-10.200; 8/15/02
 financial condition of companies; 20 CSR 200-1.010; 8/15/02
 fire policies, standard; 20 CSR 500-1.100; 8/15/02
 forms, policy and endorsement; 20 CSR 500-6.100; 8/15/02
 fiduciary duty of broker; 20 CSR 700-1.090; 8/15/02
 group health
 classification; 20 CSR 400-2.090; 8/15/02
 filings; 20 CSR 400-2.130; 8/15/02
 guaranty association; 20 CSR 400-5.600; 8/15/02
 incidental fees; 20 CSR 700-1.150; 8/15/02
 interest, vendors/lenders/single; 20 CSR 500-2.400; 8/15/02
 licensing
 activities requiring licensure; 20 CSR 700-1.020; 8/15/02
 business entity insurance producers; 20 CSR 700-1.110;
 8/15/02
 certification letters, application; 20 CSR 700-1.030; 8/15/02
 clearance letters; 20 CSR 700-1.040; 8/15/02
 insurance producer, exam, procedures; 20 CSR 700-1.010;
 8/15/02
 payment of earned commissions; 20 CSR 700-1.050;
 8/15/02
 reinsurance intermediary; 20 CSR 700-7.100; 8/15/02
 requirements; 20 CSR 200-6.600; 10/15/01, 2/1/02
 retrospective commission contracts prohibited; 20 CSR 700-
 1.060; 8/15/02
 life, accident, sickness; 20 CSR 600-2.100; 8/15/02
 revision of rates; 20 CSR 600-2.110; 8/15/02
 life insurance
 polices; 20 CSR 200-1.160; 10/15/01, 2/1/02

sold to college students; 20 CSR 400-5.500; 8/15/02
 variable; 20 CSR 400-1.030; 8/15/02
 long-term care; 20 CSR 400-4.100; 8/15/02
 mandatory provisions; 20 CSR 400-7.030; 8/15/02
 individual contracts, evidence of coverage; 20 CSR 400-7.050; 8/15/02
 medical malpractice award; 20 CSR; 3/1/00, 3/1/01, 3/1/02
 Medicare Supplement Insurance Minimum Standards Act;
 20 CSR 400-3.650; 8/15/02
 misrepresentation of policy provisions; 20 CSR 100-1.020;
 8/15/02
 motor vehicles, goods as collateral; 20 CSR 500-1.700; 8/15/02
 policy approval criteria; 20 CSR 400-2.060; 8/15/02
 life insurance, annuity contracts; 20 CSR 400-1.010;
 8/15/02
 producer service agreements; 20 CSR 700-1.100; 8/15/02
 property; 20 CSR 600-2.200; 8/15/02
 rate regulatory law interpretations; 20 CSR 500-4.100; 8/15/02
 rate variations, consent rate; 20 CSR 500-4.300; 8/15/02
 records, market conduct exam; 20 CSR 300-2.200; 8/15/02
 referenced or adopted materials; 20 CSR 10-1.020; 1/16/02,
 5/15/02
 reinsurance mirror image rule; 20 CSR 200-2.700; 8/15/02
 replacement of life insurance; 20 CSR 400-5.400; 8/15/02
 representatives of prepaid dental corporations; 20 CSR 700-1.120; 8/15/02
 retaliatory tax supplement filing; 20 CSR 200-3.300; 8/15/02
 right to examination of accident, sickness coverage; 20 CSR 400-2.010; 8/15/02
 solicitation on military installations; 20 CSR 400-5.300; 8/15/02
 sovereign immunity limits; 20 CSR; 3/15/00, 1/2/01, 1/2/02
 standards
 availability of coverage; 20 CSR 200-6.500; 8/15/02
 competency and trustworthiness; 20 CSR 700-1.140;
 8/15/02
 surplus lines insurance
 fees and taxes; 20 CSR 200-6.300; 8/15/02
 forms; 20 CSR 200-6.100; 8/15/02
 use of binders; 20 CSR 500-1.300; 8/15/02
 variable contracts other than life; 20 CSR 400-1.020; 8/15/02
 workers compensation; 20 CSR 500-6.700; 11/1/01, 5/1/02
 managed care organizations; 20 CSR 500-6.700; 6/17/02
 residual market, plan of operation; 20 CSR 500-6.960;
 6/3/02

INVESTMENT
 nonstate funds; 12 CSR 10-43.030; 3/15/02, 7/1/02, 7/15/02

LAND RECLAMATION
 industrial mineral open pit, in-stream sand and gravel operations
 performance requirements; 10 CSR 40-10.050; 9/17/01
 permit application; 10 CSR 40-10.020; 9/17/01, 4/15/02,
 9/16/02

LIVESTOCK
 complaint handling; 2 CSR 10-5.015; 3/15/02, 6/17/02
 price reporting, purchases by packers; 2 CSR 10-5.010; 7/2/01
 public complaint handling; 2 CSR 10-5.015; 11/15/01

MEDICAID
 critical assess hospitals; 13 CSR 70-15.010; 6/3/02, 7/1/02
 dental program; 13 CSR 70-35.010; 7/15/02, 8/15/02
 excludable drugs; 13 CSR 70-20.031; 10/15/01, 4/15/02, 7/15/02
 federal reimbursement allowance; 13 CSR 70-15.110; 2/1/02,
 6/3/02, 7/1/02
 health care centers, benefits; 13 CSR 70-26.010; 9/3/02
 hospices services; 13 CSR 70-50.010; 10/1/01, 2/1/02
 hospital settlements; 13 CSR 70-15.040; 7/15/02
 nonexcludable drugs; 13 CSR 70-20.034; 10/15/01, 4/15/02,
 7/15/02

nursing facilities; 13 CSR 70-10.110; 10/1/0, 2/1/021
 optical care benefits; 13 CSR 70-40.010; 7/15/02, 8/15/02
 payment to trauma hospitals; 13 CSR 70-15.170; 7/15/02
 prospective outpatient services; 13 CSR 70-15.160; 7/15/02
 provider enrollment; 13 CSR 70-3.020; 9/3/02
 trend indices; 13 CSR 70-15.010; 10/1/01, 2/1/02
 settlements; 13 CSR 70-15.040; 10/1/01, 2/1/02
 uninsured parents' health insurance; 13 CSR 70-4.090; 7/15/02

MENTAL HEALTH, DEPARTMENT OF
 administration; 9 CSR 30-4.032; 2/1/02, 5/15/02
 admission criteria; 9 CSR 30-4.042; 2/1/02, 5/15/02, 9/3/02
 aggressive behaviors; 9 CSR 45-3.050; 4/15/02, 8/1/02
 alcohol and drug abuse programs
 adolescents; 9 CSR 30-3.192; 5/15/02, 9/3/02
 certification; 9 CSR 30-3.032; 4/15/02, 8/1/02
 detoxification; 9 CSR 30-3.120; 5/15/02
 opioid treatment; 9 CSR 30-3.132; 4/15/02, 8/1/02
 outpatient treatment; 9 CSR 30-3.130; 9/3/02
 residential treatment; 9 CSR 30-3.140; 5/15/02
 SATOP program structure; 9 CSR 30-3.206; 4/15/02,
 8/1/02
 service delivery; 9 CSR 30-3.100; 9/3/02
 behavior management; 9 CSR 10-7.060; 5/15/02
 certification
 centers; 9 CSR 30-4.031; 2/1/02, 5/15/02
 personnel, staff development; 9 CSR 30-4.034; 9/3/02
 procedures; 9 CSR 45-5.060; 3/1/02, 7/15/02
 standards; 9 CSR 30-4.030; 9/3/02
 client records; 9 CSR 30-4.035; 2/1/02; 5/15/02, 9/3/02
 complaints of abuse, neglect; 9 CSR 10-5.200; 4/15/02, 9/16/02
 definitions; 9 CSR 30-4.030; 2/1/02, 5/15/02; 9 CSR 10-7.140;
 5/15/02; 9 CSR 30-4.010; 9/3/02
 medication procedures; 9 CSR 30-4.041; 9/3/02
 medications; 9 CSR 10-7.070; 5/15/02
 organization; 9 CSR 10-1.010; 6/3/02, 9/16/02
 personnel; 9 CSR 30-4.034; 2/1/02, 5/15/02
 protest and appeals procedures; 9 CSR 25-2.505; 1/16/02,
 5/1/02
 psychiatric and substance abuse programs
 rights, responsibilities, grievances; 9 CSR 10-7.020; 1/16/02
 5/15/02, 9/3/02
 service delivery process; 9 CSR 10-7.030; 1/16/02, 5/15/02
 rehabilitation, intensive; 9 CSR 30-4.045; 2/1/02, 5/15/02
 service provision; 9 CSR 30-4.039; 2/1/02, 5/15/02, 9/3/02
 treatment; 9 CSR 30-4.043; 2/1/02, 5/15/02, 9/3/02

MILK BOARD, STATE
 fees, inspection; 2 CSR 80-5.010; 3/1/02, 6/17/02

MOTORCYCLE SAFETY EDUCATION PROGRAM
 definitions; 11 CSR 60-1.010; 12/17/01, 5/15/02
 quality assurance visits; 11 CSR 60-1.100; 12/17/01, 5/15/02
 student admission; 11 CSR 60-1.040; 12/17/01, 5/15/02
 training courses, approved; 11 CSR 60-1.060; 12/17/01, 5/15/02
 verification, course completion; 11 CSR 60-1.050; 12/17/01,
 5/15/02

MOTOR VEHICLE
 window tinting; 11 CSR 30-7.010; 9/17/01, 1/2/02, 4/1/02,
 7/15/02

NURSING, STATE BOARD OF
 complaint handling; 4 CSR 200-4.030; 8/1/02
 requirements for licensure; 4 CSR 200-4.020; 8/1/02

NURSING HOME ADMINISTRATORS
 examination; 13 CSR 73-2.070; 1/2/02, 5/1/02
 fees; 13 CSR 73-2.015; 1/2/02, 5/1/02

NURSING HOME PROGRAM

pediatric care; 13 CSR 70-10.050; 12/17/01, 4/15/02
reimbursement plan; 13 CSR 70-10.015; 9/3/02

OCCUPATIONAL THERAPY, MISSOURI BOARD OF
application

assistant therapist; 4 CSR 205-3.020; 1/2/02, 5/1/02
therapist; 4 CSR 205-3.010; 1/2/02, 5/1/02
fees; 4 CSR 205-1.050; 8/1/02.
release of public records; 4 CSR 205-1.030; 1/2/02, 5/1/02

OPTOMETRY, DIVISION OF

application; 4 CSR 210-2.010; 8/1/02
complaint handling; 4 CSR 210-2.040; 8/1/02
examination; 4 CSR 210-2.081; 8/1/02
fees; 4 CSR 210-2.070; 1/16/02, 5/1/02, 8/1/02
license renewal; 4 CSR 210-2.030; 1/16/02, 5/1/02
licensure by
examination; 4 CSR 210-2.020; 8/1/02
reciprocity; 4 CSR 210-2.011; 8/1/02

PARENTAL RIGHTS

attorney, guardian ad litem fees; 13 CSR 40-30.030; 7/15/02
fees in termination cases; 13 CSR 40-30.020; 3/1/02, 6/17/02

**PEACE OFFICER STANDARDS AND TRAINING
(POST) PROGRAM**

administration; 11 CSR 75-7.010; 6/3/02, 9/3/02
alternative methods of training delivery
procedures for agencies; 11 CSR 75-12.030; 6/3/02, 9/3/02
application; 11 CSR 75-4.020; 6/3/02, 9/3/02
bailiffs, training
completion; 11 CSR 75-9.030; 6/3/02, 9/3/02
requirements for; 11 CSR 75-9.010; 6/3/02, 9/3/02
trainee attendance, performance; 11 CSR 75-9.020; 6/3/02,
9/3/02
certification; 11 CSR 75-3.010; 6/3/02, 9/3/02
bailiff, peace officer, reserve officer; 11 CSR 75-3.060;
6/3/02, 9/3/02
eligibility for; 11 CSR 75-3.020; 6/3/02, 9/3/02
instructors; 11 CSR 75-4.030; 6/3/02, 9/3/02
requirements for; 11 CSR 75-3.030; 6/3/02, 9/3/02
continuing education
approval for a CLEE course; 11 CSR 75-15.040; 6/3/02,
9/3/02
computer-based training; 11 CSR 75-15.070; 6/3/02, 9/3/02
in-service training; 11 CSR 75-15.060; 6/3/02, 9/3/02
out-of-state, federal, organization; 11 CSR 75-15.050;
6/3/02, 9/3/02
provider license; 11 CSR 75-15.030; 6/3/02, 9/3/02
requirement; 11 CSR 75-15.010; 6/3/02, 9/3/02
standards; 11 CSR 75-15.020; 6/3/02, 9/3/02
courses; 11 CSR 75-6.030; 6/3/02, 9/3/02
decertification; 11 CSR 75-4.050; 6/3/02, 9/3/02
definitions; 11 CSR 75-2.010; 6/3/02, 9/3/02
education requirements, continuing

completion; 11 CSR 75-11.030; 6/3/02, 9/3/02
computer-based education; 11 CSR 75-12.010; 6/3/02, 9/3/02
inactive or unemployed; 11 CSR 75-11.050; 6/3/02, 9/3/02
in-service training courses; 11 CSR 75-11.080; 6/3/02, 9/3/02
providers
approved; 11 CSR 75-11.060; 6/3/02, 9/3/02
procedures; 11 CSR 75-11.070; 6/3/02, 9/3/02
computer-based training alternatives; 11 CSR 75-
12.020; 6/3/02, 9/3/02
recognition, out-of-state training; 11 CSR 75-11.035;
6/3/02, 9/3/02
requirements; 11 CSR 75-11.010; 6/3/02, 9/3/02
trainee attendance, performance; 11 CSR 75-11.020; 6/3/02,
9/3/02

evaluation of
individual; 11 CSR 75-3.070; 6/3/02, 9/3/02
instructors; 11 CSR 75-4.040; 6/3/02, 9/3/02
fund, administration; 11 CSR 75-16.010; 6/3/02, 9/3/02
applicants; 11 CSR 75-10.030; 6/3/02, 9/3/02
budget year; 11 CSR 75-10.080; 6/3/02, 9/3/02
cost items; 11 CSR 75-10.060; 6/3/02, 9/3/02
ineligible; 11 CSR 75-10.070; 6/3/02, 9/3/02
distribution; 11 CSR 75-10.100; 6/3/02, 9/3/02
organization; 11 CSR 75-10.010; 6/3/02, 9/3/02
terms, conditions; 11 CSR 75-10.020; 6/3/02, 9/3/02
training
eligible; 11 CSR 75-10.040; 6/3/02, 9/3/02
ineligible; 11 CSR 75-10.050; 6/3/02, 9/3/02
instructors; 11 CSR 75-4.010; 6/3/02, 9/3/02
law enforcement experience; 11 CSR 75-3.040; 6/3/02, 9/3/02
organization; 11 CSR 75-1.010; 6/3/02, 9/3/02
peace officer licenses
adjustment of classification; 11 CSR 75-13.080; 6/3/02,
9/3/02
classification; 11 CSR 75-13.010; 6/3/02, 9/3/02
cause to discipline; 11 CSR 75-13.090; 6/3/02, 9/3/02
exam; 11 CSR 75-13.050; 6/3/02, 9/3/02
expired, relicensing; 11 CSR 75-13.040; 6/3/02, 9/3/02
new license; 11 CSR 75-13.020; 6/3/02, 9/3/02
notification of change in status; 11 CSR 75-13.100; 6/3/02,
9/3/02
point scale; 11 CSR 75-13.060; 6/3/02, 9/3/02
procedure to upgrade; 11 CSR 75-13.030; 6/3/02, 9/3/02
recognition of federal, military, out-of-state basic training;
11 CSR 75-13.070; 6/3/02, 9/3/02
peace officer, reserve officer
peace officer, reserve officer; 11 CSR 75-6.010; 6/3/02,
9/3/02
trainee attendance, performance; 11 CSR 75-6.020; 6/3/02,
9/3/02
suspension, revocation; 11 CSR 75-3.080; 6/3/02, 9/3/02
sheriff's department, training
attendance; 11 CSR 75-8.020; 6/3/02, 9/3/02
requirements for; 11 CSR 75-8.030; 6/3/02, 9/3/02
St. Louis deputies; 11 CSR 75-8.010; 6/3/02, 9/3/02
training centers
applications; 11 CSR 75-5.030; 6/3/02, 9/3/02
directors, coordinators; 11 CSR 75-5.020; 6/3/02, 9/3/02
establishment of; 11 CSR 75-5.010; 6/3/02, 9/3/02
requirements, procedures; 11 CSR 75-5.040; 6/3/02, 9/3/02
training centers, basic
certification of courses; 11 CSR 75-14.040; 6/3/02, 9/3/02
curricula, objectives; 11 CSR 75-14.030; 6/3/02, 9/3/02
eligibility for entrance; 11 CSR 75-14.060; 6/3/02, 9/3/02
instructors
licenses; 11 CSR 75-14.070; 6/3/02, 9/3/02
requirements; 11 CSR 75-14.080; 6/3/02, 9/3/02
procedures to obtain a license; 11 CSR 75-14.010; 6/3/02,
9/3/02
requirements, minimum; 11 CSR 75-14.020; 6/3/02, 9/3/02
standards for a course; 11 CSR 75-14.050; 6/3/02, 9/3/02
waivers; 11 CSR 75-3.050; 6/3/02, 9/3/02

PERFUSIONISTS, LICENSING OF CLINICAL
advisory commission; 4 CSR 150-8.150; 9/16/02
fees; 4 CSR 150-8.060; 6/3/02

PERSONNEL ADVISORY BOARD
leaves of absence; 1 CSR 20-5.020; 6/3/02

PETROLEUM STORAGE TANK INSURANCE FUND

aboveground storage tanks; 10 CSR 100-4.020; 12/17/01, 4/1/02
assessment of transport fee; 10 CSR 100-3.010; 12/17/01, 4/1/02
claims for cleanup costs; 10 CSR 100-5.010; 12/17/01, 4/1/02
underground storage tanks; 10 CSR 100-4.010; 12/17/01, 4/1/02

PHARMACY PROGRAM

drug prior authorization, list of
 drugs excluded from coverage; 13 CSR 70-20.032; 7/15/02
 excludable drugs; 13 CSR 70-20.031; 7/15/02
 new drug entities or dosage form; 13 CSR 70-20.250;
 6/17/02, 7/1/02
 non-excludable drugs; 13 CSR 70-20.034; 7/15/02
 process; 13 CSR 70-20.200; 6/17/02, 7/1/02, 100
 reimbursement allowance; 13 CSR 70-20.320; 7/15/02, 8/15/02
 standards of operation; 4 CSR 220-2.010; 8/1/02

PHARMACY, STATE BOARD OF

complaint handling; 4 CSR 220-2.050; 8/1/02
 continuing pharmacy education; 4 CSR 220-2.100; 8/1/02
 educational, licensing requirements; 4 CSR 220-2.030; 8/1/02
 nonresident pharmacies; 4 CSR 220-2.025; 8/1/02
 permits; 4 CSR 220-2.020; 1/2/01, 5/1/02
 prescriptions
 electronic transmission; 4 CSR 220-2.085; 12/17/01
 return, reuse of drugs/devices; 4 CSR 220-3.040; 5/15/02
 standards of operation; 4 CSR 220-2.010; 8/1/02
 Class J, shared services; 4 CSR 220-2.650; 1/2/02, 5/1/02

PHYSICAL THERAPISTS/ASSISTANTS

advisory commission; 4 CSR 150-3.210; 9/16/02
 applicants; 4 CSR 150-3.010; 8/1/02
 application forms; 4 CSR 150-3.020; 8/1/02
 fees; 4 CSR 150-3.080; 8/1/02

PHYSICIAN ASSISTANTS

advisory commission; 4 CSR 150-7.320; 9/16/02
 fees; 4 CSR 150-7.200; 6/3/02

PHYSICIAN LOAN AND TRAINING PROGRAMS

health, professional student loan repayment; 19 CSR 10-3.030;
 5/15/02, 9/3/02

PHYSICIANS AND SURGEONS

application; 4 CSR 150-2.040; 6/3/02
 fees; 4 CSR 150-2.080; 5/15/02, 9/16/02
 license
 limited; 4 CSR 150-2.155; 6/3/02
 reciprocity; 4 CSR 150-2.030; 6/3/02
 temporary; 4 CSR 150-2.060; 6/3/02

POLICE COMMISSIONERS, KANSAS CITY BOARD OF

application, fees; 17 CSR 10-2.010; 8/1/02
 regulation and licensing; 17 CSR 10-2.010; 8/1/02

POLICE COMMISSIONERS, ST. LOUIS BOARD OF

administration, command; 17 CSR 20-2.015; 10/15/01, 3/15/02,
 7/1/02
 authority; 17 CSR 20-2.065; 10/15/01, 3/15/02, 7/1/02
 complaint/disciplinary procedures; 17 CSR 20-2.125; 10/15/01,
 3/15/02, 7/1/02
 definitions; 17 CSR 20-2.025; 10/15/01, 3/15/02, 7/1/02
 drug testing; 17 CSR 20-2.135; 10/15/01, 3/15/02, 7/1/02
 duties; 17 CSR 20-2.075; 10/15/01, 3/15/02, 7/1/02
 equipment; 17 CSR 20-2.095; 10/15/01, 3/15/02, 7/1/02
 field inspection; 17 CSR 20-2.115; 10/15/01, 3/15/02, 7/1/02
 licensing; 17 CSR 20-2.035; 10/15/01, 3/15/02, 7/1/02
 personnel records, fees; 17 CSR 20-2.045; 10/15/01, 3/15/02,
 7/1/02
 training; 17 CSR 20-2.055; 10/15/01, 3/15/02, 7/1/02
 uniforms; 17 CSR 20-2.085; 10/15/01, 3/15/02, 7/1/02
 weapons; 17 CSR 20-2.105; 10/15/01, 3/15/02, 7/1/02

PRESCRIPTION DRUGS, SENIOR RX PROGRAM

agent, authorized; 19 CSR 90-1.060; 2/15/02, 7/1/02
 appeal process; 19 CSR 90-1.090; 2/15/02, 7/1/02
 claimant's responsibilities; 19 CSR 90-1.040; 2/15/02, 7/1/02

definitions; 19 CSR 90-1.010; 2/15/02, 7/1/02
 eligibility, application process; 19 CSR 90-1.020; 2/15/02,
 7/1/02
 identification card; 19 CSR 90-1.070; 2/15/02, 7/1/02
 payment provisions; 19 CSR 90-1.030; 2/15/02, 7/1/02
 pharmacies, participating
 appeal process; 19 CSR 90-2.050; 2/15/02, 7/1/02
 definitions; 19 CSR 90-2.010; 2/15/02, 7/1/02
 eligibility, application process; 19 CSR 90-2.020; 2/15/02,
 7/1/02
 responsibilities; 19 CSR 90-2.030; 2/15/02, 7/1/02
 termination, suspension; 19 CSR 90-2.040; 2/15/02, 7/1/02
 rebate program, manufacturers; 19 CSR 90-3.010; 3/1/02,
 reenrollment; 19 CSR 90-1.050; 2/15/02, 7/1/02
 termination; 19 CSR 90-1.080; 2/15/02, 7/1/02

PUBLIC DEFENDER COMMISSION

definitions; 18 CSR 10-2.010; 3/15/02, 7/15/02
 indigency guidelines; 18 CSR 10-3.010; 3/15/02, 7/15/02
 organization; 18 CSR 10-1.010; 3/15/02, 7/15/02

PUBLIC SERVICE COMMISSION

applications; 4 CSR 240-2.060; 9/16/02
 cold weather rule; 4 CSR 240-13.055; 12/3/01, 9/16/02
 contested cases; 4 CSR 240-2.117; 5/1/02
 definitions; 4 CSR 240-3.010; 9/16/02
 electric utilities
 annual rates; 4 CSR 240-3.165; 9/16/02
 acquire stock of public utility; 4 CSR 240-3.125; 9/16/02
 certificate of convenience, necessity; 4 CSR 240-3.105;
 9/16/02
 change of electrical suppliers; 4 CSR 240-3.140; 9/16/02
 cogeneration; 4 CSR 240-20.060; 9/16/02
 tariff filings; 4 CSR 240-3.155; 9/16/02
 cold weather report, submission; 4 CSR 240-3.180; 9/16/02
 decommissioning of electric plants; 4 CSR 240-3.185; 9/16/02
 definitions; 4 CSR 240-3.100; 9/16/02
 depreciation studies; 4 CSR 240-3.175; 9/16/02
 events, reporting requirement; 4 CSR 240-20.080; 9/16/02
 general rate increase; 4 CSR 240-3.160; 9/16/02
 issue stock, bonds, notes; 4 CSR 240-3.120; 9/16/02
 merge, consolidate; 4 CSR 240-3.115; 9/16/02
 promotional practices; 4 CSR 240-3.150; 9/16/02
 rate schedules; 4 CSR 240-3.145, 4 CSR 240-20.010; 9/16/02
 reporting requirements; 4 CSR 240-3.190; 9/16/02
 schedule of fees; 4 CSR 240-3.135, 4 CSR 240-21.010;
 9/16/02
 sell, assign, lease, transfer assets; 4 CSR 240-3.110; 9/16/02
 trust funds, decommissioning; 4 CSR 240-20.070; 9/16/02
 uniform system of accounts; 4 CSR 240-20.030; 9/16/02
 electric service territorial agreements; 4 CSR 240-3.130; 9/16/02
 electronic filing; 4 CSR 240-2.045; 1/16/02, 4/1/02
 energy sellers; 4 CSR 240-45.010; 9/16/02
 filing requirements; 4 CSR 240-3.030; 9/16/02
 gas utilities
 acquire property, eminent domain; 4 CSR 240-3.230;
 9/16/02
 acquire stock of public utility; 4 CSR 240-3.225; 9/16/02
 certificate of convenience, necessity; 4 CSR 240-3.205;
 9/16/02
 cold weather report, submission; 4 CSR 240-3.250; 9/16/02
 conversion of service, upgrading; 4 CSR 240-3.295; 9/16/02
 definitions; 4 CSR 240-3.200; 9/16/02
 depreciation studies; 4 CSR 240-3.275; 9/16/02
 drug, alcohol testing plans; 4 CSR 240-3.280; 9/16/02
 issue stock, bonds, notes; 4 CSR 240-3.220; 9/16/02
 merge, consolidate; 4 CSR 240-3.215; 9/16/02

- pipelines, transportation; 4 CSR 240-3.270; 9/16/02
promotional practices; 4 CSR 240-3.255; 9/16/02
rate increase
 general; 4 CSR 240-3.235; 9/16/02
 small company; 4 CSR 240-3.240; 9/16/02
rate schedules; 4 CSR 240-3.260, 4 CSR 240-40.010; 9/16/02
reports
 annual; 4 CSR 240-3.245; 9/16/02
 incident, annual, safety conditions; 4 CSR 240-3.290;
 9/16/02
sell, assign, lease, transfer assets; 4 CSR 240-3.210; 9/16/02
sellers, gas certification; 4 CSR 240-3.285; 9/16/02
uniform system of accounts; 4 CSR 240-40.040; 9/16/02
heating companies
 uniform system of accounts; 4 CSR 240-80.020; 9/16/02
intervention; 4 CSR 240-2.075; 1/16/02, 3/1/02, 5/1/02
 monthly reports; 4 CSR 240-120.130; 7/2/01
name changes, filing; 4 CSR 240-3.020; 9/16/02
pleadings, filing, service; 4 CSR 240-2.080; 7/1/02
promotional practices; 4 CSR 240-14.040; 9/16/02
rate increase requests; 4 CSR 240-10.070; 9/16/02
reports, annual filing requirements; 4 CSR 240-10.080; 9/16/02
sewer utility
 acquire stock of public utility; 4 CSR 240-3.325; 9/16/02
 certificate of convenience, necessity; 4 CSR 240-3.305;
 9/16/02
 definitions; 4 CSR 240-3.300; 9/16/02
 issue stock, bonds, notes; 4 CSR 240-3.320; 9/16/02
 merge, consolidate; 4 CSR 240-3.315; 9/16/02
 rate increase; 4 CSR 240-3.330; 9/16/02
 reports, annual; 4 CSR 240-3.335; 9/16/02
 sell, assign, lease, transfer assets; 4 CSR 240-3.310; 9/16/02
 tariff schedules; 4 CSR 240-3.340, 4 CSR 240-60.030;
 9/16/02
small company, rate increase; 4 CSR 240-2.200; 9/16/02
steam heating
 acquire stock of public utility; 4 CSR 240-3.420; 9/16/02
 certificate of convenience, necessity; 4 CSR 240-3.400;
 9/16/02
 issue stock, bonds, notes; 4 CSR 240-3.415; 9/16/02
 merge, consolidate; 4 CSR 240-3.410; 9/16/02
 rate schedules; 4 CSR 240-3.425, 4 CSR 240-80.010; 9/16/02
 reports, annual; 4 CSR 240-3.435; 9/16/02
 sell, assign, lease, transfer assets; 4 CSR 240-3.405; 9/16/02
stipulations agreements; 4 CSR 240-2.115; 5/1/02
tariff filings, cases; 4 CSR 240-3.025; 9/16/02
telecommunications companies
 acquire stock of public utility; 4 CSR 240-3.535; 9/16/02
 certificates of authority; 4 CSR 240-3.515; 9/16/02
 customer-owned coin telephone; 4 CSR 240-3.505; 9/16/02
 definitions; 4 CSR 240-3.500; 9/16/02
 filings requirements; 4 CSR 240-3.510; 9/16/02
 inquiries, residential customers; 4 CSR 240-3.555; 9/16/02
 issue stock, bonds, notes; 4 CSR 240-3.530; 9/16/02
 merge, consolidate; 4 CSR 240-3.525; 9/16/02
 rate schedules; 4 CSR 240-3.545; 9/16/02
 records and reports; 4 CSR 240-3.550, 4 CSR 240-32.030;
 9/16/02
 reports, annual; 4 CSR 240-3.540; 9/16/02
 residential customer inquiries; 4 CSR 240-33.060; 9/16/02
 sell, assign, lease, transfer assets; 4 CSR 240-3.520; 9/16/02
telephone corporations, reporting
 definitions; 4 CSR 240-35.010; 9/4/01, 2/1/02
 provisions; 4 CSR 240-35.020; 9/4/01, 2/1/02
 rate schedules; 4 CSR 240-30.010; 9/16/02
 reporting of bypass, customer specific arrangements;
 4 CSR 240-35.030; 9/4/01, 2/1/02
utilities, income; 4 CSR 240-10.020; 9/4/01, 2/1/02
waivers, variances; 4 CSR 240-3.015; 9/16/02
water utilities
 acquire stock of public utility; 4 CSR 240-3.620; 9/16/02
 certificate of convenience, necessity; 4 CSR 240-3.600;
 9/16/02
 filings requirements; 4 CSR 240-3.625; 9/16/02
 issue stock, bonds, notes; 4 CSR 240-3.615; 9/16/02
 merge, consolidate; 4 CSR 240-3.610; 9/16/02
 rate increase; 4 CSR 240-3.635; 9/16/02
 rate schedules; 4 CSR 240-3.645, 4 CSR 240-50.010; 9/16/02
 reports, annual; 4 CSR 240-3.640; 9/16/02
 schedule of fees; 4 CSR 240-3.630, 4 CSR 240-51.010;
 9/16/02
 sell, assign, lease, transfer assets; 4 CSR 240-3.605; 9/16/02
- PURCHASING AND MATERIALS MANAGEMENT**
waiver of bidding procedures; 1 CSR 40-1.090; 7/1/02
- REAL ESTATE COMMISSION**
application; 4 CSR 250-3.010; 8/1/02
 accreditation; 4 CSR 250-7.020; 8/1/02
classroom course approval; 4 CSR 250-10.030; 8/1/02
closing a real estate firm; 4 CSR 250-8.155; 8/1/02
complaints; 4 CSR 250-9.010; 8/1/02
escrow or trust account; 4 CSR 250-8.220; 8/1/02
expiration, renewal; 4 CSR 250-4.020; 8/1/02
fees; 4 CSR 250-5.020; 11/1/01, 2/15/02
instructor approval; 4 CSR 250-10.040; 8/1/02
license
 nonresident; 4 CSR 250-4.080; 8/1/02
 partnership, association, corporation; 4 CSR 250-4.070;
 8/1/02
professional corporations; 4 CSR 250-4.075; 8/1/02
records; 4 CSR 250-10.070; 8/1/02
requirements; 4 CSR 250-10.010; 8/1/02
sponsors; 4 CSR 250-10.020; 8/1/02
- RECORDS MANAGEMENT**
grants, local records; 15 CSR 30-45.030; 3/1/02, 6/17/02
- RESPIRATORY CARE, MISSOURI BOARD FOR**
application; 4 CSR 255-2.010; 12/17/01, 5/1/02, 8/1/02
continuing education; 4 CSR 255-4.010; 8/1/02
educational permit; 4 CSR 255-2.030; 12/17/01, 5/1/02
inactive status; 4 CSR 255-2.050; 5/15/02
reinstatement; 4 CSR 255-2.060; 5/15/02
temporary permit; 4 CSR 255-2.020; 12/17/01, 5/1/02
- RETIREMENT SYSTEMS**
county employees' defined contribution plan
 accounts of participants; 16 CSR 50-10.040; 6/3/02
 contributions; 16 CSR 50-10.030; 6/3/02
 definitions; 16 CSR 50-10.010; 6/3/02
 distribution of accounts; 16 CSR 50-10.050; 6/3/02
 vesting and service; 16 CSR 50-10.070; 6/3/02
county employees' deferred compensation plan
 death benefits; 16 CSR 50-20.080; 6/3/02
 distribution of accounts; 16 CSR 50-20.070; 6/3/02
 limitations on deferral; 16 CSR 50-20.050; 6/3/02
 participation in plan; 16 CSR 50-20.030; 6/3/02
local government employees
 hearings and proceedings; 16 CSR 20-3.010; 12/3/01,
 4/1/02
 lump-sum cash payout; 16 CSR 20-2.056; 12/3/01, 4/1/02
 reemployment in LAGERS; 16 CSR 20-2.083; 12/3/01,
 4/1/02
nonteacher school employee
 membership service credit; 16 CSR 10-6.040; 3/15/02,
 6/17/02

recognition of credit; 16 CSR 10-6.065; 8/1/02
public school
retirement system
recognition of credit; 16 CSR 10-5.080; 8/1/02
reinstatement, credit purchases; 16 CSR 10-4.014; 3/15/02,
6/17/02
stipulations, agreements; 4 CSR 240-2.115; 1/16/02

SECURITIES, DIVISION OF

affidavit, individual; 15 CSR 30-50.180; 1/16/02, 6/17/02
agricultural cooperative association; 15 CSR 30-54.190; 12/3/01,
5/15/02
answers and supplementary pleadings; 15 CSR 30-55.030;
12/3/01, 4/1/02
application
agent; 15 CSR 30-50.120; 1/16/02, 6/17/02
qualification; 15 CSR 30-50.150; 1/16/02, 6/17/02
registration; 15 CSR 30-51.020; 1/16/02, 6/17/02
sellers of agricultural cooperative; 15 CSR 30-50.220;
1/16/02, 6/17/02
briefs; 15 CSR 30-55.110; 12/3/01, 4/1/02
claim for exemption of cooperative association; 15 CSR 30-
50.210; 1/16/02, 6/17/02
definitions; 15 CSR 30-50.010; 1/16/02, 6/17/02
discovery; 15 CSR 30-55.080; 12/3/01, 4/1/02
examination; 15 CSR 30-51.030; 1/16/02, 6/17/02
exclusions from definitions; 15 CSR 30-51.180; 2/1/02, 6/17/02
fees; 15 CSR 30-50.030; 1/16/02, 6/17/02
financial condition; 15 CSR 30-50.170; 1/16/02, 6/17/02
forms; 15 CSR 30-50.040; 1/16/02, 6/17/02
general; 15 CSR 30-51.010; 1/16/02, 6/17/02
instituting hearing before commissioner; 15 CSR 30-55.020;
12/3/01, 4/1/02
instructions; 15 CSR 30-50.020; 1/16/02, 6/17/02
investment company report of sales; 15 CSR 30-50.160;
1/16/02, 6/17/02
motions, suggestions, legal briefs; 15 CSR 30-55.110; 12/3/01,
4/1/02
notice of hearing; 15 CSR 30-55.040; 12/3/01, 4/1/02
officers; 15 CSR 30-55.220; 12/3/01, 4/1/02
prehearing
conferences; 15 CSR 30-55.050; 12/3/01, 4/1/02
procedures; 15 CSR 30-55.025; 12/3/01, 4/1/02
procedure and evidence; 15 CSR 30-55.090; 12/3/01, 4/1/02
registration by notification; 15 CSR 30-50.130; 1/16/02, 6/17/02
record of hearing; 15 CSR 30-55.070; 12/3/01, 4/1/02
requirements; 15 CSR 30-51.160; 1/16/02, 6/17/02
trading exemptions; 15 CSR 30-54.290; 2/1/02, 6/17/02
who may request; 15 CSR 30-55.010; 12/3/01, 4/1/02

SOIL AND WATER DISTRICTS COMMISSION

organization; 10 CSR 70-1.010; 2/1/02, 7/1/02
annual rate of interest; 12 CSR 10-41.010; 12/3/01, 3/15/02

**SPEECH-LANGUAGE PATHOLOGISTS AND
AUDIOLOGISTS**

advisory commission; 4 CSR 150-4.220; 9/16/02
applications; 4 CSR 150-4.010; 6/3/02
fees; 4 CSR 150-4.060; 6/3/02

TATTOOING, BODY PIERCING AND BRANDING

cleaning, sterilization; 4 CSR 267-5.030; 9/16/02
complaint handling, disposition; 4 CSR 267-6.020; 9/16/02
definitions; 4 CSR 267-1.010; 9/16/02
disciplinary proceedings; 4 CSR 267-6.030; 9/16/02
enforcement; 4 CSR 267-6.010; 9/16/02
establishment; 4 CSR 267-3.010; 9/16/02
change of name, ownership, location; 4 CSR 267-1.030;
9/16/02
fees; 4 CSR 267-2.020; 9/16/02
licenses; 4 CSR 267-2.010; 9/16/02

temporary establishment; 4 CSR 267-4.010; 9/16/02
renewals; 4 CSR 267-2.030; 9/16/02
name, address changes; 4 CSR 267-1.020; 9/16/02
patrons; 4 CSR 267-5.020; 9/16/02
preparation, care of site; 4 CSR 267-5.040; 9/16/02
standards of practice; 4 CSR 267-5.010; 9/16/02

TAX

power of attorney; 12 CSR 10-41.030; 2/15/02, 6/3/02

TAX, INCOME

accounting methods; 12 CSR 10-2.040; 5/15/02, 9/3/02
agricultural unemployed person; 12 CSR 10-2.175; 5/15/02, 9/3/02
credit carryback; 12 CSR 10-2.145; 5/15/02, 9/3/02
employers' withholding; 12 CSR 10-2.015; 5/1/02, 9/3/02
failure to pay; 12 CSR 10-2.065; 5/15/02, 9/3/02
net operating losses; 12 CSR 10-2.165; 2/15/02, 6/3/02
questions, answers; 12 CSR 10-2.005; 5/15/02, 9/3/02

TAX, INHERITANCE AND ESTATE

appraisers

duties; 12 CSR 10-8.080; 5/1/02, 9/3/02
errors in report, exceptions; 12 CSR 10-8.090; 5/1/02, 9/3/02
report; 12 CSR 10-8.100; 5/1/02, 9/3/02
encroachment; 12 CSR 10-8.130; 5/1/02, 9/3/02
homestead allowance; 12 CSR 10-8.040; 5/1/02, 9/3/02
interest; 12 CSR 10-8.050; 5/1/02, 9/3/02
mortality table; 12 CSR 10-8.150; 5/1/02, 9/3/02
payment of tax, receipt, refund; 12 CSR 10-8.060; 5/1/02, 9/3/02
probate court to determine; 12 CSR 10-8.070; 5/1/02, 9/3/02
refund; 12 CSR 10-8.140; 5/1/02, 9/3/02
valuation, methods, mortality table; 12 CSR 10-8.110; 5/1/02,
9/3/02

TAX, SALES/USE

common carriers; 12 CSR 10-3.300; 5/15/02, 9/3/02
component parts; 12 CSR 10-3.294; 5/15/02, 9/3/02
concessionaires; 12 CSR 10-3.042; 5/1/02, 9/3/02
dual operators; 12 CSR 10-3.031; 5/1/02, 9/3/02
exempt agency; 12 CSR 10-3.245; 5/15/02, 9/3/02
export sales; 12 CSR 10-3.233; 5/1/02, 9/3/02
homes, modular or sectional; 12 CSR 10-3.034; 5/1/02, 9/3/02
information required; 12 CSR 10-3.247; 5/15/02, 9/3/02
ingredients; 12 CSR 10-3.292; 5/15/02, 9/3/02
labor or service rendered; 12 CSR 10-3.044; 5/1/02, 9/3/02
local sales/use tax applicable; 12 CSR 10-117.100; 2/15/02,
6/3/02

manufacturers, wholesalers; 12 CSR 10-3.008; 5/1/02, 9/3/02

meal ticket; 12 CSR 10-3.240; 5/15/02, 9/3/02

personal property, lease or rental; 12 CSR 10-108.700; 5/1/02,
9/3/02

separate transactions; 12 CSR 10-3.179; 5/1/02, 9/3/02

petty cash funds; 12 CSR 10-3.258; 5/15/02, 9/3/02

physicians, dentists, optometrists; 12 CSR 10-103.395; 5/1/02,
9/16/02

redemption of coupons; 12 CSR 10-3.144; 5/1/02, 9/3/02

refunds, credits; 12 CSR 10-102.016; 5/1/02, 9/3/02

sale on installed basis; 12 CSR 10-3.158; 5/1/02, 9/3/02

sales subject to sales/use tax; 12 CSR 10-113.200; 2/15/02,
6/3/02

sales to Missouri; 12 CSR 10-3.250; 5/15/02, 9/3/02

other than political subdivisions; 12 CSR 10-3.256; 5/15/02,
9/3/02

political subdivisions; 12 CSR 10-3.254; 5/15/02, 9/3/02

service station ownership; 12 CSR 10-3.116; 5/1/02, 9/3/02

TAX, STATE COMMISSION

agricultural land productive value; 12 CSR 30-4.010; 2/1/02
appeals from local board; 12 CSR 30-3.010; 7/15/02

TIMBER PRODUCTS, TREATED

branding of; 2 CSR 70-40.040; 9/16/02
inspection, sampling, analysis; 2 CSR 70-40.025; 9/16/02
standards; 2 CSR 70-40.015; 9/16/02
tagging peeler core landscape timbers; 2 CSR 70-40.045; 9/16/02

TRAVEL REGULATIONS

reimbursement; 1 CSR 10-11.010; 7/15/02

TREASURER, OFFICE OF THE

interest rate, linked deposit, loan categories; 15 CSR 50-2.050;
12/17/01, 4/1/02

TUBERCULOSIS TESTING

fees, laboratory; 19 CSR 25-38.020; 3/1/02, 7/1/02

UNEMPLOYMENT INSURANCE

registration, claims; 8 CSR 10-3.010; 9/3/02

VETERINARY MEDICAL BOARD, MISSOURI

internship; 4 CSR 270-2.021; 8/1/02
rules of professional conduct; 4 CSR 270-6.011; 8/1/02

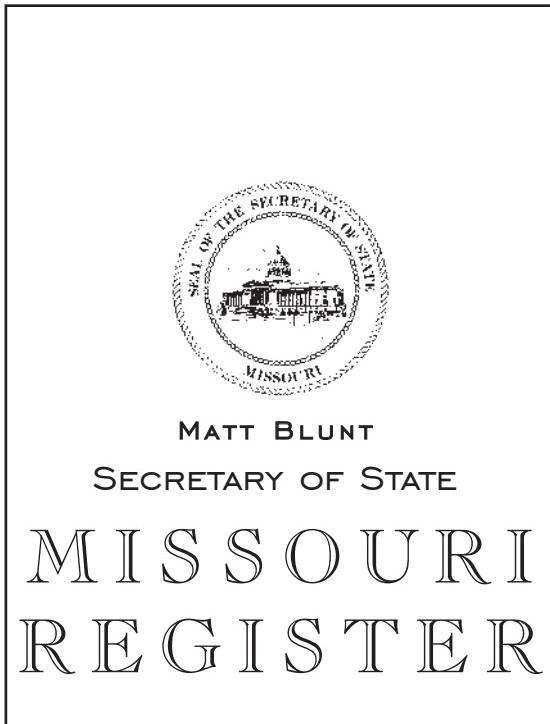
WEIGHTS AND MEASURES

inspection procedures; 2 CSR 90-23.010; 3/15/02
installation requirements; 2 CSR 90-10.013; 1/2/02, 5/15/02
manufactured homes; 2 CSR 90-10.017; 1/2/02
motor fuels, quality standards; 2 CSR 90-30.040; 9/16/02
National Fuel Gas Code; 2 CSR 90-10.020; 1/2/02, 5/15/02
packaging and labeling; 2 CSR 90-22.140; 3/15/02
petroleum inspection, premises; 2 CSR 90-30.050; 9/16/02
price verification; 2 CSR 90-25.010; 3/15/02
propane, overfill prevention devices; 2 CSR 90-10.040; 7/15/02
registration, training; 2 CSR 90-10.012; 1/2/02, 5/15/02
sale of commodities; 2 CSR 90-20.040; 3/15/02, 9/16/02
storage and handling; 2 CSR 90-10.040; 1/2/02, 5/15/02

WORKERS' COMPENSATION

tort victims; 8 CSR 50-8.010; 2/15/02, 7/1/02
review of decisions; 8 CSR 20-8.010; 3/1/02, 6/17/02

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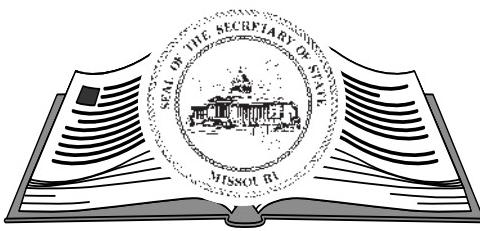
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